

**Final Report  
Customer Standing Committee Charter Review**

**18 June 2018**

**Prepared by the Customer Standing Committee Charter Review Team**

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## **Executive Summary**

The Customer Standing Committee (CSC) was established on 1 October 2016. It performs the operational oversight previously performed by the U.S. Department of Commerce's National Telecommunications and Information Administration as it relates to the monitoring of the performance of the IANA naming functions. The mission of the CSC is to ensure continued satisfactory performance of the IANA functions for the direct customers of the naming services.

The CSC has been operating in accordance with a Charter that was developed by the Cross Community Working Group IANA Transition (CWG) and was part of the IANA Transition Proposal that was subsequently approved by the US Department of Commerce. The Charter includes a provision for a review of the Charter to be conducted one year after the first meeting of the CSC. The review is to be conducted by representatives of the Registries Stakeholder Group (RySG) and the Country Code Names Supporting Organisation (ccNSO). The purpose of the review is to consider whether the Charter is adequate and provides a sound basis for the CSC to perform its responsibilities as envisioned in the development of the IANA Transition Proposal.

The [Terms of Reference](#) for the Review were adopted by the ccNSO and the RySG in July 2017, and the Review Team (RT) was established accordingly. The RT conducted a number of consultations to inform their work, which included discussions with the CSC, the outgoing President of Public Technical Identifiers (PTI), the independent members of the PTI Board and the direct customers of the IANA Naming Functions. An Initial Report containing findings and recommendations was posted for public comment from 11 April 2018 until 1 June 2018.

The RT's consultations revealed that the narrow scope and mission of the CSC as contained in the Charter and reflected in Section 17 of the ICANN Bylaws has provided the CSC with considerable clarity about its role and responsibilities. This in turn has been beneficial to the development of the CSC's operating procedures and other documents. The membership selection process and criteria contained in the Charter provided an element of rigour to the selection process that led to a well-qualified and knowledgeable inaugural CSC and as such should be maintained.

A number of changes are recommended to the Charter that the RT does not consider substantive, but will assist the CSC in carrying out its work, such as a requirement to provide monthly reports, reducing the requirement for face-to-face updates to direct customers from three times a year to at least twice a year, providing a mechanism to make minor changes to agreed service levels, and a process to address changing circumstances of CSC members.

Consultations revealed that it would be beneficial to require interaction between the CSC the PTI and the PTI Board of Directors. While the CSC has developed a good working relationship with PTI, they do not currently engage with the PTI Board on a regular basis. The RT believes that fostering a similar relationship between the CSC and the PTI Board would be beneficial and has included a requirement in the Charter that they meet at least twice a year.

The RT considers it important that the Charter reflect that the role and responsibilities of the CSC is independent of the IANA Functions Operator and must be maintained should the role be separated from ICANN. Any new operator should be required to work with the CSC.

While outside the scope of this review, the RT recommends that there should be some coordination between the Effectiveness Review of the CSC and the IANA Naming Function Review that are both expected to commence in late 2018 to avoid duplication of effort. The RT

also recommends that travel support be made available to members of the CSC; and that the ccNSO Council encourage ICANN's Chief Technical Officer to follow up on a suggestion made during the public comment period to conduct a gap analysis of all IANA Naming Function related topics.

## **1. Background**

The Customer Standing Committee was established as one of the post IANA Transition entities and conducted its first meeting on 6 October 2016. It performs the operational oversight previously performed by the U.S. Department of Commerce's National Telecommunications and Information Administration as it relates to the monitoring of the performance of the IANA naming functions, currently performed by PTI. Its mission is to ensure continued satisfactory performance of the IANA functions for the direct customers of the naming services.

According to the ICANN Bylaws (Section 17.3 (c )) and reflected in the CSC Charter, the ccNSO and RySG are required to review the CSC Charter one year after the first meeting of the CSC.

Starting May 2017, a small drafting team was appointed by the ccNSO and RySG to develop a Terms of Reference (ToR) for the Charter Review. The ToR was adopted by the ccNSO and RySG in July 2017 and is available in Annex B of this report. The members of the drafting team were subsequently appointed by their respective groups as the CSC Review Team (RT):

- ccNSO: Martin Boyle and Abdalla Omari
- RySG: Keith Drazek and Donna Austin

In addition, the CSC appointed Elaine Pruis to serve as a liaison to the RT.

A wikispace was created for the CSC Charter RT: <https://community.icann.org/display/CRT>

## **2. Purpose and Scope of the review**

The Terms of Reference for the CSC Charter Review are at Annex B.

The purpose of the review is to consider whether the Charter is adequate and provides a sound basis for the CSC to perform their responsibilities as envisioned in the development of the IANA Transition Proposal.

### **Scope of review**

The Charter will be reviewed to determine whether:

- the Charter enables the CSC to fulfil its role and responsibilities as envisioned
- there are any aspects of the Charter that are ambiguous that require amendment
- there are any typographical errors in the Charter that require amendment
- there are any elements of the work of the CSC that should be captured in the Charter that were not captured at the time the Charter was originally drafted

### **Out of Scope of the review**

The CSC Charter provides for the effectiveness of the CSC to be reviewed two years after the first meeting of the CSC. Therefore, the effectiveness of the CSC is out of scope of this review.

### **3. Process and Timetable**

The process, method and timelines are described in the Terms of Reference. (Annex C)

The RT had initial discussions with CSC and PTI in September and October 2017. This included interviews with the PTI Liaison to the CSC, and with the CSC. In the same timeframe the CSC conducted a self-assessment of its Charter and shared this with the Review Team.

In November 2017, at ICANN60, there were discussions with the ccNSO and GNSO/RySG, representing the direct customers of the naming services, an open consultation, and a meeting with the independent PTI directors.

In December 2017, the CSC was again consulted to discuss the Review Team's initial findings.

Recordings and notes from these consultations and meetings of the RT are available on the CSC Charter RT wikispace: <https://community.icann.org/display/CRT>

The CSC RT public meeting at ICANN60 is available at:  
[https://sched.ws/hosted\\_files/icann60abudhabi2017/0e/I60AUH\\_Wed01Nov2017-Customer%20Standing%20Committee%20Review%20Team-en.pdf](https://sched.ws/hosted_files/icann60abudhabi2017/0e/I60AUH_Wed01Nov2017-Customer%20Standing%20Committee%20Review%20Team-en.pdf)

As a result of these consultations, the RT prepared its Initial Report for public comment. The Initial Report was published on 11 April 2018<sup>1</sup> and the public comment period closed on 1 June 2018. Six (6) comments were received. This Final Report takes into account the comments received. After an extensive analysis of the comments the RT believes that no substantive change to the findings and recommendations is required, but some changes to the proposed Charter were required to ensure consistency between recommendations of the Final Report and the Amended Charter.

The Final Amended Charter is included in Section 6. A comparison of the current (original) Charter and the Final Amended Charter is included in Annex B. The Final Report will be presented to the RySG for information, and to the ccNSO and GNSO Councils for consideration and adoption.

## **4. Summary of RT Findings**

### **4.3.1 General findings**

It is evident to the RT, as a result of the consultations undertaken, that the inaugural CSC is a cohesive and collaborative team that has, in its first 12 months of operation, undertaken a significant body of work in developing operating procedures and carrying out its role as prescribed in the Charter. Importantly, the CSC has also developed a good working relationship with PTI and the direct customers of the IANA naming services.

In a post IANA transition environment it is possible for the IANA Functions Operator (IFO) to be separated from ICANN through a Separation Cross-community Working Group in the event that there is evidence of continued poor performance of the PTI. The CSC has a critical role in this

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<sup>1</sup> See: <https://www.icann.org/public-comments/csc-charter-rt-initial-2018-04-11-en>

regard because of their mission: ensure continued satisfactory performance of the IANA functions for the direct customers of the naming services.

The role of the CSC is independent of the IANA Functions Operator and the RT recommends that, in its contract with ICANN, any new operator should be required to work with the CSC.

#### **4.3.2 The Mission and Scope of Responsibilities of the CSC should not be expanded.**

A key area of the review is to establish whether the Charter enables the CSC to fulfil its role and responsibilities as envisioned.

Consultations with the CSC identified that the narrow mission and scope of responsibilities defined in the ICANN Bylaws section 17.1 and the Charter have helped in understanding and explaining its role.

Over its first twelve months, the CSC has established its operating procedures. The narrow scope and clear responsibilities have been helpful to the Committee in reaching agreement on these and in identifying their responsibilities.

Feedback received from the direct customers and others has also shown that the clear and limited mandate has made it easier to explain the role of the CSC, which appears to be well understood by the PTI, the PTI Board, the direct customers of IANA, and the ICANN Board. This helps these organisations to work effectively together to ensure the operational oversight of the PTI.

In addition, the CSC felt that the limited scope and narrow focus was helpful for the appointing organizations in selecting the members and liaisons for the CSC. This has proved to be a factor contributing to the success of the CSC.

For these reasons the CSC strongly recommends that the mission and scope of the CSC should remain unchanged.

The RT understands that there has been some suggestion that the role of the CSC be expanded to include other functions and responsibilities that go beyond their current remit of monitoring the performance of the IANA Functions Operator. The RT strongly believes that this would detract from the critical role that the CSC was established to perform and does not support the CSC taking on additional responsibilities beyond those outlined in the Charter.

#### **4.3.3 Membership composition**

Discussions with the CSC revealed that, while there is a distinction between the roles of the members and the liaisons in the Charter and the ICANN Bylaws (section 17.2), this has not resulted in any issues. The small group is working well together and has greatly benefited from the skills and knowledge diversity of the group. The composition of the CSC, through the collaboration across ICANN's SOs and ACs, has led to a better understanding of the interests and concerns of the different stakeholder groups.

The Membership Composition will be changed to reflect language contained in the ICANN Bylaws, but this is not considered a substantive change. The Charter states that the CSC will comprise:

- Representatives from two gTLD Registry Operators
- Representatives from two ccTLD Registry Operators

This will be changed to:

- Two individuals representing gTLD registry operators appointed by the Registries

- Stakeholder Group;
- Two individuals representing ccTLD registry operators appointed by the ccNSO.

Further, as a result of the public comment process, the RT has clarified the text pertaining to the composition of the CSC to make it clear that it is not mandatory to appoint a representative from a TLD that is not considered a ccTLD or gTLD registry operator.

#### **4.3.4 Membership selection process**

The composition of the CSC has been an important factor in its success. The CSC and others believe this can be attributed to the selection criteria and process contained in the Charter and reflected in the ICANN Bylaws section 17.2, along with the rigor that the RySG, ccNSO and other SO/ACs have applied in appointing members and liaisons.

The RT discussed the suggestion made by the GNSO Council to include language in the Charter to encourage appointing organizations to take into account the CCWG Accountability Work Stream 2 (WS2) Recommendations on Diversity to the greatest extent possible. While the RT recognizes diversity as an important principle, it felt strongly that it is more important that the members and liaisons have the requisite skillset, particularly given that the composition of the CSC is intended to be kept small and to comprise representatives with direct experience and knowledge of IANA naming functions. As such the RT agreed not to amend the Charter as suggested.

However, the RT did agree that, when the WS2 recommendations are adopted, each of the appointing organisations should be encouraged to take the recommendations into account as part of their respective selection processes.

#### **4.3.5 Changing circumstances of appointed members**

During the course of the consultations, the RT became aware that, since October 2016, two of the four members appointed to the CSC by the direct customers (one from the RySG and one from the ccNSO) had changed their affiliation and were no longer employed by a registry operator. In both instances, the member was willing to continue as a member of the CSC and separate processes were undertaken to reconfirm their appointments with their respective appointing organisations.

As there is no process in the Charter to account for what to do when such an event arises, the RT has developed a procedure to be included in the Charter.

Following the public comment process, the duration of the term of a member or liaison filling a vacancy has been included in the Charter to ensure clarity.

#### **4.3.6 Reporting**

Under the *Scope of Responsibilities*, the CSC is required to “... analyse reports provided by the IANA Functions Operator on a monthly basis and publish their findings”. Under *Meetings* the CSC is required to meet at least once a month and to provide regular updates no less than three times a year to the direct customers of the IANA naming function.

The CSC has established the practice of providing written monthly reports about the performance of the IANA Functions Operator to the community. Given the value of these reports and their importance in the context of an IANA Function Review, the RT believes that the practice of providing monthly reports to the community should be specifically included in the Charter and changes to that effect are proposed.

#### **4.3.7 Frequency of providing regular updates to direct customers.**

The CSC requested that the requirement to "... provide regular updates, **no less than three per year**, to the direct customers of the IANA naming function." be changed to "... **at least twice per year**." This is primarily because of the recent change in the ICANN meeting structure and recognition that the Policy and Outreach meeting is a shorter more focused meeting.

Given that "these updates may be provided to the RySG and the ccNSO during ICANN meetings," the RT agrees that changing the requirement to at least two per year would align the requirement with the new ICANN meeting format. The provision of written monthly reports will ensure that the direct customers will continue to be informed on the performance of the PTI.

#### **4.3.8 Monthly meeting requirement**

The RT and the CSC discussed whether the monthly meeting requirement should be maintained as the RT recognized that a considerable amount of the work undertaken by the CSC in the first 12 months of its existences was related to developing its own operating procedures and other documentation, such as the Remedial Action Plan, and looking forward there may not be a need to meet so frequently.

The CSC recommended that the monthly meeting requirement remain in place. While the RT recognises that as the work of the CSC becomes more routine, and when the performance of the PTI does not give any causes for concern, it may be appropriate to reconsider this requirement in the future. Any changes will need to be implemented through a formal charter review process and supported by the ccNSO and GNSO Councils.

#### **4.3.9 Role and responsibilities of the CSC as they relate to PTI, PTI Board, ICANN Org, ICANN Board**

During discussions with the independent members of the PTI Board, the RT was concerned to hear that there has been negligible interaction between the CSC and the PTI Board. Given the interconnected responsibilities of the two groups, the PTI Board members felt that it would be beneficial to have a requirement reflected in the Charter for the two groups to formally meet during any given year.

Given the responsibility of the PTI Board for the provision of the IANA functions, the RT agrees that it is important for there to be a framework for discussion between the CSC and the PTI Board, in particular in looking forward to, and planning for, technological developments and ensuring the continued security and resilience of the IANA functions. To that end the RT is recommending that the Charter include at least two meetings a year between the CSC and the PTI Board.

The CSC was supportive of this idea and noted that in addition there was also some confusion about their relationship with ICANN org and the ICANN Board. Given the Mission and Scope of Responsibilities of the CSC, there is no specific reason for the CSC to have a formalized relationship with ICANN org or the ICANN Board, notwithstanding those identified in the Remedial Action Plan. However, as the Charter does provide for the CSC to consider requests from other groups to provide updates regarding performance, the RT considers it reasonable to explicitly include ICANN org and the ICANN Board.

#### **4.3.10 Review or change to service level targets.**

The CSC informed the RT that while the Charter allows for the CSC or the IFO to request a review or change to the service level targets, it would be helpful for the Charter to include a



reference to the process by which this can be done. The CSC also suggested that the reference to the review or change to service levels would be better placed under the Scope of Responsibilities section rather than the Review Section. The RT agrees on both counts.

The CSC also noted that the service levels are defined in the IANA Naming Function Contract and that separate to the CSC Charter Review the CSC, in cooperation with PTI and ICANN, have been developing procedures to enable timely amendments to the service levels that fall into a number of defined categories, for example a new service level required as the result of a new introduced service, a change to a service level considered non-material that would ensure satisfactory performance, or the removal of a service level that is obsolete.

The Charter calls for proposed changes to service levels to be agreed to by the ccNSO and GNSO; however, the RT no longer considers this necessary as any proposed changes to the SLAs, in accordance with the Amended Charter, will only become effective after informing the direct customers through the ccNSO Council and the RySG.

#### **4.3.11 Remedial Action Procedures**

According to Section 17.1 of the ICANN Bylaws and the Charter, the CSC is authorized to undertake remedial action to address poor performance. The Charter requires that remedial action has to be undertaken in accordance with Remedial Action Procedures (RAPs) developed and agreed by the CSC and the IANA Functions Operator post-transition.

Accordingly, the CSC and PTI have worked together to develop the RAPs.

The RT proposes to amend the Charter to reflect the introduction of agreed RAPs, and as such the reference to the development of the RAPs will be removed from the Charter. The RT agrees that the RAPs are a standalone operational document and should be referenced in the Charter, but not included. Initially, the RT was of the opinion that the provision for a regular review of the RAPs should be included in the Charter. However, following the comments received in particular from the CSC, and taking into account that the RAP has since been agreed by the CSC and the PTI and is now publicly available<sup>2</sup>, the RT is now of the view that the requirement for review is adequately addressed in the RAP and there is no longer a need to include a change mechanism in the Charter.

The RT remains of the view that there should be a requirement to agree a new RAP with any new IANA Functions Operator and that this should be specified at the time of appointing a new operator, for example through the recommendations from the Special IANA Naming Function Review Team<sup>3</sup>, and could be ensured by the ccNSO and GNSO Councils when appropriate.

#### **4.3.12 Clarification of roles: RySG, ccNSO, GNSO, ccNSO & GNSO Councils and RySG.**

In reviewing the Charter, the RT noticed that there were some instances of potential confusion about whether the appropriate entity had been identified in the Charter as the decision maker or responsible entity. In some instances there were also inconsistencies between the Charter and the ICANN Bylaws. Changes to the Charter have been proposed to address these issues and to

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<sup>2</sup> The CSC and PTI formally agreed on the Remedial Action Procedures at May meeting of the CSC. The RAP is published <https://www.icann.org/en/system/files/files/csc-remedial-action-procedures-03mar18-en.pdf>

<sup>3</sup> See Section 18.12 ICANN Bylaws

make it clear that the ccNSO and GNSO Councils take the decisions, in accordance with their own rules and procedures.

## **5. Observations which are out of scope of the Charter Review**

### **5.1 Concurrence of CSC related reviews**

Although not in scope of this review the RT notes that the number and timing of CSC related reviews has the potential to affect proper functioning of the CSC.

In addition to this review of the CSC Charter, the ICANN Bylaws (section 17.3), referenced in the current Charter, requires an Effectiveness Review of the CSC to be conducted two years after the first meeting of the CSC. The method of review will be determined by the ccNSO and GNSO.

Separately, in accordance with Article 18 of the ICANN Bylaws, the first periodic IANA Naming Function Review (IFR) is to be convened no later than 1 October 2018. The performance of the CSC, as part of the oversight processes for the IANA functions, will need to be considered as part of this review (Article 18.3(j)).

There is concern about the potential burden that these simultaneous reviews could place on the CSC, as well as the real possibility of significant overlap of the two reviews. The RT recommends that the ccNSO and GNSO Councils conduct an analysis of the requirements of the reviews with a view to creating synergies and avoiding overlap. The RT believes that this would lead to a more efficient and productive approach to the Bylaw reviews.

### **5.2 Travel support for CSC**

The IANA Transition Proposal recommended that no travel support be provided to members or liaisons of the CSC because it was assumed that travel support could be sourced from their respective groups and that the main work of the CSC was expected to be done online. The selection criteria seeking CSC candidates explicitly mentioned that no travel funding would be made available.

The CSC informed the RT that the ability of CSC members to update the ICANN community at ICANN meetings could be compromised by the lack of travel funding for Members. In the first year of operation, the CSC has used ICANN meetings as an opportunity to provide updates to direct customers and to meet in person to progress the development of their foundational and operational documents. The RT recognises the value of these interactions.

Given that the assumptions contained in the IANA Transition Proposal have proved to be incorrect, the RT recommends that the CSC be eligible to seek funding for travel support in accordance with ICANN's budget and travel policy requirements.

### **5.3 Gap analysis of all IANA-Naming Function related topics**

The RT notes comments received from DENIC during the public comment period raising concerns about issues that they believe to be "... beyond the CSC's scope, that are not necessarily strictly operational within PTI's remit and also not clearly within the scope of any other AC or SO (or RZERC ..)" The issue of concern is that any gap cannot be identified by a review of a single entity, and suggests an additional issue based gap analysis be undertaken.

The RT did not have an opportunity to follow up on this comment, but does believe there would

be value in understanding and addressing the concern. As such, the RT recommends that the ccNSO Council request ICANN's CTO to respond to this suggestion.

## **6. Proposed Amended Charter CSC**

### **Amended Charter of the Customer Standing Committee (CSC)**

#### **Mission**

The Customer Standing Committee (CSC) has been established to perform the operational oversight previously performed by the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA) as it relates to the monitoring of performance of the IANA naming function. This transfer of responsibilities took effect on October 1, 2016.

The mission of the CSC is to ensure continued satisfactory performance of the IANA function for the direct customers of the naming services. The direct customers of the naming services are top-level domain registry operators, but also include root server operators and other non-root zone functions.

The mission will be achieved through regular monitoring by the CSC of the performance of the IANA naming function against agreed service levels and through mechanisms to engage with the IANA Functions Operator to remedy identified areas of concern, including but not limited to the Remedial Action Procedures.

The CSC is not authorised to initiate a change in the IANA Functions Operator via a Special IANA Function Review, but could escalate a failure to correct an identified deficiency to the ccNSO and GNSO Councils, who might then decide to take further action using agreed consultation and escalation processes, which may include a Special IANA Function Review.

The CSC will be the primary interface between the IANA Naming Functions Operator, currently PTI, and its customers. Should PTI cease to be the IANA Naming Functions Operator, there should be an obligation on successor operators to work with the CSC to ensure satisfactory performance of the IANA naming functions.

#### **Scope of Responsibilities**

The CSC monitors the performance of the IANA naming function against agreed service levels on a monthly basis.

The CSC will analyze reports provided by the IANA Functions Operator and publish their findings on a monthly basis.

Where performance issues have been identified, the CSC will work with the IANA Functions Operator to understand the reasons for the failure and agree a plan for resolution.

The CSC or the IANA Functions Operator can request a review or change to service level/s.

The CSC, in consultation with the IANA Functions Operator, will develop procedures for

changing service level/s including the removal of existing service levels or the inclusion of new service levels. These procedures will be commensurate with the type of the service level change being proposed. Informing the registry operators about proposed changes shall always be required; however, the type of service level change will determine whether it is necessary to conduct a community-wide consultation. The procedures may be updated from time to time, and will only become effective after publication of the process on the CSC webpage, and after informing the ccNSO Council and RySG, the direct customers.

The CSC is authorized to undertake remedial action to address performance issues in accordance with the Remedial Action Procedures (RAP) published on the CSC website. The RAP may be updated from time to time in accordance with the change mechanism foreseen in the RAP.

Should a new IANA Functions Operator be appointed, for example through the recommendations from the Special IANA Naming Function Review Team<sup>4</sup>, the ccNSO and GNSO Councils will require the CSC to review and revise the RAP as necessary with the new operator.

In the event performance issues are not remedied to the satisfaction of the CSC, despite good-faith attempts to do so, and following the agreed escalation processes contained in the RAP, the CSC is authorized to escalate the performance issues to the ccNSO and GNSO Councils for consideration.

The CSC may receive complaints from individual registry operators regarding the performance of the IANA Naming Function; however, the CSC will not become involved in a direct dispute between any registry operator and the IANA Functions Operator.

The CSC will review individual complaints with a view to identifying whether there are any patterns of poor performance by the IANA Functions Operator in responding to complaints of a similar nature. The CSC may invoke the RAP if necessary to resolve performance issues that may be systemic or persistent.

The CSC will, as need demands, conduct consultations with the IANA Functions Operator, meet with the direct customers of the naming services, and the ICANN community about the performance of the IANA Functions Operator.

The CSC, in consultation with registry operators, is authorized to discuss with the IANA Functions Operator ways to enhance the provision of IANA's operational services for any of the following reasons:

- to meet changing technological environments;
- as a means to address performance issues; or
- other unforeseen circumstances.

In the event it is agreed that a material change in IANA naming services or operations would be beneficial, the CSC reserves the right to call for a community consultation and independent validation, to be convened by the IANA Functions Operator, on the proposed change. Any recommended change that does not require a change to the IANA Naming Function Contract must be approved by the ccNSO Council and RySG

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<sup>4</sup> See Section 18.12 ICANN Bylaws

The IANA Functions Operator would be responsible for implementing any recommended changes and must ensure that sufficient testing is undertaken to ensure smooth transition and no disruption to service levels.

The CSC will provide a liaison to the CSC Charter Review Team, the CSC Effectiveness Review Team, the IANA Function Review Team and to any Separation Cross Community Working Group.

### **Conflict of Interest**

The ICANN Bylaws make clear that it must apply policies consistently, neutrally, objectively and fairly, without singling any party out for discriminatory treatment; which would require transparent fairness in its dispute resolution processes. Members of the CSC should accordingly disclose any conflicts of interest with a specific complaint or issue under review. The CSC may exclude from the discussion of a specific complaint or issue any member deemed by the majority of CSC members and liaisons to have a conflict of interest.

### **Membership Composition**

The CSC should be kept small and comprise representatives with direct experience and knowledge of IANA naming functions. At a minimum the CSC will comprise:

- Two individuals representing gTLD Registry Operators appointed by the Registries Stakeholder Group
- Two individuals representing ccTLD Registry Operators appointed by the ccNSO
- One liaison from the IANA Functions Operator (PTI).

An individual representing a TLD that is not considered to be a ccTLD or gTLD registry, for example from the Internet Architecture Board for .ARPA, may also be included as a member of the CSC. The individual would seek appointment by either the ccNSO or GNSO Council.

Liaisons can also be appointed from the following organisations; however, providing a Liaison is not mandatory for any group:

- One liaison each from other ICANN SOs and ACs:
  - GNSO (non-registry)
  - ALAC
  - NRO (or ASO)
  - GAC
  - RSSAC
  - SSAC

Liaisons shall not be members of or entitled to vote on the CSC, but otherwise liaisons shall be entitled to participate on equal footing with members of the CSC.

The Chair of the CSC will be elected on an annual basis by the CSC. Ideally the Chair will be a direct customer of the IANA naming function, and cannot be the IANA Functions Operator Liaison.

The CSC and the IANA Functions Operator will nominate primary and secondary points of

contact to facilitate formal lines of communication.

The CSC as a whole will decide who will serve as the Liaison to the IANA Function Review Team. Preference should be given to the Liaison being a registry representative given that technical expertise is anticipated to be valuable in the role.

### **Membership Selection Process**

Members and Liaisons to the CSC will be appointed by their respective communities in accordance with internal processes. However, all candidates will be required to submit an Expression of Interest that includes a response addressing the following matters:

- Why they are interested in becoming involved in the CSC.
- What particular skills they would bring to the CSC.
- Their knowledge of the IANA Functions.
- Their understanding of the purpose of the CSC.
- That they understand the time necessary required to participate in the CSC and can commit to this role.

Interested candidates should also include a resume or curriculum vitae or biography in support of their Expression of Interest.

While the ccTLD and gTLD members will be appointed by the ccNSO and RySG respectively and liaisons by their applicable groups, ccTLD or gTLD registry operators that are not members of these groups will be eligible to participate in the CSC as members or liaisons. The ccNSO Council and RySG should consult prior to finalizing their selections with a view to providing a slate of members and liaisons that has, to the extent possible, diversity in terms of geography and skill set.

A representative for a TLD registry operator not associated with a ccTLD or gTLD registry, will be required to submit an Expression of Interest to either the ccNSO and GNSO Councils. The Expression of Interest must include a letter of support from the registry operator. This provision is intended to ensure orderly formal arrangements, and is not intended to imply those other registries are subordinate to either the ccNSO or the GNSO.

The full membership of the CSC must be approved by the ccNSO and the GNSO Councils. While it will not be the role of the ccNSO and GNSO to question the validity of any recommended appointments to the CSC, in approving the full slate the ccNSO and GNSO Councils will take into account the overall composition of the proposed CSC in terms of geographic diversity and skill sets.

### **Terms**

CSC appointments, regardless of whether members or liaisons, will be for a two-year period with the option to renew for up to two additional two-year terms. The intention is to stagger appointments to provide for continuity and knowledge retention.

To facilitate this, at least half of the inaugural CSC appointees will be appointed for an initial

term of three years. Subsequent terms will be for two years.

CSC appointees must attend a minimum of nine meetings in a one-year period, and must not be absent for more than two consecutive meetings. Failure to meet this requirement may result in the Chair of the CSC requesting a replacement from the respective organisation.

A vacancy on the CSC shall be deemed to exist in the case of the death, resignation, or removal of a CSC member or liaison. This vacancy shall be filled by the appointing organization or advisory committee for the unexpired term.

### **Changing circumstances of appointed CSC member**

In the event that a member appointed to the CSC by either the ccNSO or RySG has a change in circumstances that may affect the basis upon which the member was appointed to the CSC, they are required to notify their appointing organization of their changing circumstances. If the member is willing to remain a member of the CSC, they will be required to seek re-confirmation of their appointment. The appointing organization will be responsible for considering the request in accordance with internal procedures.

The appointing organization will be responsible for notifying the Chair of the CSC of its decision and should also notify the other appointing organisation.

In the event that the appointing organization is not willing to re-confirm the appointment, the member will be required to resign from the CSC and the appointing organization will be required to fill the vacancy as soon as possible. A temporary replacement may be appointed while attempts are made to fill the vacancy.

If a member wishes to resign from the CSC because of a change in circumstances, or for any other reason, they must notify their appointing organization.

Any new appointment will need to be approved by both the ccNSO Council and the RySG. The GNSO Council should be notified of any new appointment.

### **Recall of members or liaisons**

Any CSC appointee can be recalled at the discretion of their appointing community.

In the event that a ccTLD or gTLD registry representative is recalled, a temporary replacement may be appointed by the designating group while attempts are made to fill the vacancy. As the CSC meets on a monthly basis best efforts should be made to fill a vacancy within one month of the recall date.

The CSC may also request the recall of a member of the CSC in the event they have not met the minimum attendance requirements. The appointing community will be responsible for finding a suitable replacement.

### **Meetings**

The CSC shall meet at least once every month via teleconference at a time and date agreed

upon by members of the CSC.

The CSC will provide regular updates, at least twice per year, to the direct customers of the IANA naming function. These updates may be provided to the RySG and the ccNSO during ICANN meetings.

To allow the CSC to carry out the work identified above and, in particular, to help develop a cooperative relationship with the IANA Functions Operator, the CSC is also required to meet with the Board of the IANA Functions Operator at least twice a year. These meetings should, wherever possible, be held at ICANN meetings.

The CSC will also consider requests from other groups, including the ICANN Board and ICANN org, to provide updates regarding the IANA Functions Operator's performance.

### **Record of Proceedings**

Minutes of all CSC teleconferences will be made public within five business days of the meeting.

In the event that the CSC invokes the RAP, it will be required to inform the RySG, ccNSO and GNSO Councils and provide regular status updates.

Information sessions conducted during ICANN meetings will be open and posting of transcripts and presentations will be done in accordance with ICANN's meeting requirements.

### **Secretariat**

ICANN will provide secretariat support for the CSC and will also be expected to provide and facilitate remote participation in all meetings of the CSC.

### **Review**

The Charter may be reviewed at the request of the CSC, ccNSO Council, RySG or GNSO Council or in connection with an IANA Function Review. The review will be conducted by a committee of representatives from the ccNSO and the RySG in accordance with a method determined by the ccNSO Council and RySG. Each review is to include the opportunity for input from other ICANN stakeholders, via a Public Comment process. Any recommended changes are to be ratified by the ccNSO and the GNSO Councils.

The effectiveness of the CSC will initially be reviewed two years after the first meeting of the CSC; and then every three years thereafter. The method of review will be determined by the ccNSO and GNSO.





## Annex A: Comparison of the Original CSC Charter and the Amended CSC Charter

### Mission

The Customer Standing Committee (CSC) has been established to perform the operational oversight previously performed by the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA) as it relates to the monitoring of performance of the IANA naming function. This transfer of responsibilities took effect on **October 1, 2016**.

The mission of the CSC is to ensure continued satisfactory performance of the IANA function for the direct customers of the naming services. The **direct** customers of the naming services are top-level domain registry operators, but also include root server operators and other non-root zone functions.

The mission will be achieved through regular monitoring by the CSC of the performance of the IANA naming function against agreed service ***levels*** and through mechanisms to engage with the IANA Functions Operator to remedy identified areas of concern, **including but not limited to the Remedial Action Procedures**.

The CSC is not **authorised** to initiate a change in the IANA Functions Operator via a Special IANA Function Review, but could escalate a failure to correct an identified deficiency to the ccNSO and GNSO **Councils, who** might then decide to take further action using agreed consultation and escalation processes, which may include a Special IANA Function Review.

**The CSC will be the primary interface between the IANA Naming Functions Operator, currently PTI, and its customers. Should PTI cease to be the IANA Naming Functions Operator, there should be an obligation on successor operators to work with the CSC to ensure satisfactory performance of the IANA naming functions.**

### Scope of Responsibilities

The CSC **monitors** the performance of the IANA naming function against agreed service **levels** on a **monthly** basis.

The CSC will **analyze** reports provided by the IANA Functions Operator and publish their findings **on a monthly basis**.

**Where performance issues have been identified, the CSC will work with the IANA Functions Operator to understand the reasons for the failure and agree a plan for resolution.**

**The CSC or the IANA Functions Operator can request a review or change to service level/s.**

**The CSC, in consultation with the IANA Functions Operator, will develop procedures for changing service level/s including the removal of existing service levels or the inclusion of new service levels. These procedures will be commensurate with the type**

**of the service level change being proposed. Informing the registry operators about proposed changes shall always be required; however, the type of service level change will determine whether it is necessary to conduct a community-wide consultation. The procedures may be updated from time to time, and will only become effective after publication of the process on the CSC webpage, and after informing the ccNSO Council and RySG, the direct customers.**

The CSC is authorized to undertake remedial action to address performance **issues** in accordance with the Remedial Action Procedures.

In the event performance issues are not remedied to the satisfaction of the CSC, despite good-faith attempts to do so, **and following the agreed escalation processes contained in the RAP**, the CSC is authorized to escalate the performance issues to the ccNSO and GNSO **Councils** for consideration.

The CSC may receive complaints from individual registry operators regarding the performance of the IANA Naming Function; however, the CSC will not become involved in a direct dispute between any registry operator and IANA.

The CSC will review individual complaints with a view to identifying **whether there are** any patterns of poor performance by the IANA Functions Operator in responding to complaints of a similar nature. **The CSC may invoke the RAP if necessary to resolve performance issues that may be systemic or persistent.**

The CSC will, as **need demands**, conduct **consultations** with the IANA Functions Operator, **meet with** the **direct** customers of the naming services, and the ICANN community about the performance of the IANA Functions Operator.

The CSC, in consultation with registry operators, is authorized to discuss with the IANA Functions Operator ways to enhance the provision of IANA's operational services **for any of the following reasons:**

- to meet changing technological environments;
- as a means to address performance issues; or
- other unforeseen circumstances.

In the event it is agreed that a material change in IANA naming services or operations would be beneficial, the CSC reserves the right to call for a community consultation and independent validation, to be convened by the IANA Functions Operator, on the proposed change. Any recommended change **that does not require a change to the IANA Naming Function Contract** must be approved by the ccNSO **Council** and RySG

The IANA Functions Operator would be responsible for implementing any recommended changes and must ensure that sufficient testing is undertaken to ensure smooth transition and no disruption to service levels.

The CSC will provide a liaison to the **CSC Charter Review Team, the CSC Effectiveness Review Team, the** IANA Function Review Team and to any Separation Cross Community Working Group.

## **Conflict of Interest**

The ICANN Bylaws make clear that it must apply policies consistently, neutrally, objectively and fairly, without singling any party out for discriminatory treatment; which would require transparent fairness in its dispute resolution processes. Members of the CSC should accordingly disclose any conflicts of interest with a specific complaint or issue under review. The CSC may exclude from the discussion of a specific complaint or issue any member deemed by the majority of CSC members and liaisons to have a conflict of interest.

## **Membership Composition**

The CSC should be kept small and comprise representatives with direct experience and knowledge of IANA naming functions. At a minimum the CSC will comprise:

- Two **individuals representing** gTLD Registry Operators
- Two **individuals representing** ccTLD Registry Operators
- One additional TLD representative not considered a ccTLD or gTLD registry operator such as the IAB for .ARPA could also be included in the minimum requirements but is not mandatory.
- One liaison from the IANA Functions Operator (PTI).

Liaisons can also be appointed from the following organisations; however, providing a Liaison is not mandatory for any group:

- One liaison each from other ICANN SOs and ACs:
  - GNSO (non-registry)
  - ALAC
  - NRO (or ASO)
  - GAC
  - RSSAC
  - SSAC

Liaisons shall not be members of or entitled to vote on the CSC, but otherwise liaisons shall be entitled to participate on equal footing with members of the CSC.

The Chair of the CSC will be elected on an annual basis by the CSC. Ideally the Chair will be a direct customer of the IANA naming function, and cannot be the IANA Functions Operator Liaison.

The CSC and the IANA Functions Operator will nominate primary and secondary points of contact to facilitate formal lines of communication.

The CSC as a whole will decide who will serve as the Liaison to the IANA Function Review Team. Preference should be given to the Liaison being a registry representative given that technical expertise is anticipated to be valuable in the role.

## Membership Selection Process

Members and Liaisons to the CSC will be appointed by their respective communities in accordance with internal processes. However, all candidates will be required to submit an Expression of Interest that includes a response addressing the following matters:

- Why they are interested in becoming involved in the CSC.
- What particular skills they would bring to the CSC.
- Their knowledge of the IANA Functions.
- Their understanding of the purpose of the CSC.
- That they understand the time necessary required to participate in the CSC and can commit to this role.

Interested candidates should also include a resume or curriculum vitae or biography in support of their Expression of Interest.

While the ccTLD and gTLD members will be appointed by the ccNSO and RySG respectively and liaisons by their applicable groups, ccTLD or gTLD registry operators that are not members of these groups will be eligible to participate in the CSC as members or liaisons. The ccNSO **Council** and RySG should consult prior to finalizing their selections with a view to providing a slate of members and liaisons that has, to the extent possible, diversity in terms of geography and skill set.

A representative for a TLD registry operator not associated with a ccTLD or gTLD registry, will be required to submit an Expression of Interest to either the ccNSO and GNSO Council. The Expression of Interest must include a letter of support from the registry operator. This provision is intended to ensure orderly formal arrangements, and is not intended to imply those other registries are subordinate to either the ccNSO or the GNSO.

The full membership of the CSC must be approved by the ccNSO and the GNSO **Councils**. While it will not be the role of the ccNSO and GNSO to question the validity of any recommended appointments to the CSC they will take into account the overall composition of the proposed CSC in terms of geographic diversity and skill sets.

## Terms

CSC appointments, regardless of whether members or liaisons, will be for a two-year period with the option to renew for up to two additional two-year terms. The intention is to stagger appointments to provide for continuity and knowledge retention.

To facilitate this, at least half of the inaugural CSC appointees will be appointed for an initial term of three years. Subsequent terms will be for two years.

CSC appointees must attend a minimum of nine meetings in a one-year period, and must not be absent for more than two consecutive meetings. Failure to meet this requirement may result in the Chair of the CSC requesting a replacement from the respective organisation.

### **Changing circumstances of appointed CSC member**

**In the event that a member appointed to the CSC by either the ccNSO or RySG has a change in circumstances that may affect the basis upon which the member was appointed to the CSC, they are required to notify their appointing organization of their changing circumstances. If the member is willing to remain a member of the CSC, they will be required to seek re-confirmation of their appointment. The appointing organization will be responsible for considering the request in accordance with internal procedures.**

**The appointing organization will be responsible for notifying the Chair of the CSC of its decision and should also notify the other appointing organisation.**

**In the event that the appointing organization is not willing to re-confirm the appointment, the member will be required to resign from the CSC and the appointing organization will be required to fill the vacancy as soon as possible. A temporary replacement may be appointed while attempts are made to fill the vacancy.**

**If a member wishes to resign from the CSC because of a change in circumstances, or for any other reason, they must notify their appointing organization.**

**Any new appointment will need to be approved by both the ccNSO Council and the RySG. The GNSO Council should be notified of any new appointment.**

### **Recall of members**

Any CSC appointee can be recalled at the discretion of their appointing community.

In the event that a ccTLD or gTLD registry representative is recalled, a temporary replacement may be appointed by the designating group while attempts are made to fill the vacancy. As the CSC meets on a monthly basis best efforts should be made to fill a vacancy within one month of the recall date.

The CSC may also request the recall of a member of the CSC in the event they have not met the minimum attendance requirements. The appointing community will be responsible for finding a suitable replacement.

### **Meetings**

The CSC shall meet at least once every month via teleconference at a time and date agreed upon members of the CSC.

The CSC will provide regular updates, **at least twice** per year, to the direct customers of the IANA naming function. These updates may be provided to the RySG and the ccNSO during ICANN meetings.

**To allow the CSC to carry out the work identified above and, in particular, to help develop a cooperative relationship with the IANA Functions Operator, the CSC is also required to meet with the Board of the IANA Functions Operator at least twice a year. These meetings should, wherever possible, be held at ICANN meetings.**

The CSC will also consider requests from other groups, **including the ICANN Board and ICANN org**, to provide updates regarding the IANA Functions Operator's performance.

### **Record of Proceedings**

Minutes of all CSC teleconferences will be made public within five business days of the meeting.

**In the event that the CSC invokes the RAP, it will be required to inform the RySG, ccNSO and GNSO Councils and provide regular status updates.**

Information sessions conducted during ICANN meetings will be open and posting of transcripts and presentations will be done in accordance with ICANN's meeting requirements.

### **Secretariat**

**ICANN** will provide secretariat support for the CSC **and** will also be expected to provide and facilitate remote participation in all meetings of the CSC.

### **Review**

The Charter **may** be reviewed **at the request of the CSC, ccNSO Council, RySG or GNSO Council or in connection with an IANA Function Review. The review will be conducted** by a committee of representatives from the ccNSO and the RySG **in accordance with a method determined by the ccNSO Council and RySG. Each** review is to include the opportunity for input from other ICANN stakeholders, via a Public Comment process. Any recommended changes are to be ratified by the ccNSO and the GNSO **Councils**.

The effectiveness of the CSC will initially be reviewed two years after the first meeting of the CSC; and then every three years thereafter. The method of review will be determined by the ccNSO and GNSO.

## **Annex B—Terms of Reference CSC Charter Review Team**

### **Customer Standing Committee (CSC) Charter Review**

#### **TERMS OF REFERENCE as adopted by the ccNSO Council and RySG**

##### **Version 1.0**

##### **Context**

The CSC Charter requires that the “... Charter will initially be reviewed by a committee of representatives from the ccNSO and the RySG one year after the first meeting of the CSC. The review is to include the opportunity for input from other ICANN stakeholders, via a Public Comment process. Any recommended changes are to be ratified by the ccNSO and the GNSO.”

The CSC was established in accordance with Article 17.3 (b) of the ICANN Bylaws and conducted its first meeting on 6 October 2016.

In order to meet the timeline for the first review of the CSC Charter, the ccNSO and RySG have each appointed two representatives to conduct the review (CSC Review Team).

##### **Intent of the Review**

The first review of the CSC Charter is intended to consider whether the Charter is adequate and provides a sound basis for the CSC to perform their responsibilities as envisioned in the development of the IANA Transition Proposal.

##### **Scope of review**

The Charter will be reviewed to determine whether:

- the Charter enables the CSC to fulfil its role and responsibilities as envisioned
- there are any aspects of the Charter that are ambiguous that require amendment
- there are any typographical errors in the Charter that require amendment
- there are any elements of the work of the CSC that should be captured in the Charter that were not captured at the time the Charter was originally drafted

##### **Out of Scope of the review**

The Charter provides for the effectiveness of the CSC to be reviewed two years after the first meeting of the CSC. Therefore, the effectiveness of the CSC is out of scope of this review.

The first IANA Naming Function Review shall be convened no later than 1 October 2018. This will include a review of the performance of the CSC (and the Empowered Community as it relates to oversight of PTI). Therefore, the performance of the CSC is out of scope of this review.



If, in the process of the review, the CSC Review Team is made aware of issues that are out of scope of the CSC Charter Review, but considered relevant for the proper functioning of the CSC, it will inform the ccNSO and RySG accordingly.

### **CSC Review Team**

In accordance with internal processes, the ccNSO has appointed two members to the CSC Review Team, namely: Martin Boyle and Abdalla Omari

In accordance with internal processes, the RySG has appointed two members to the CSC Review Team, namely: Donna Austin and Keith Drazek

The CSC has appointed Elaine Pruis as their Liaison to the Review Team.

### **Proposed Review Process**

The role of the CSC Review Team is to:

1. Conduct a review of the CSC Charter in accordance with the elements identified above that are considered to be within the scope of the review. The review will also include:
  - a. an analysis of clarifying documents developed during the implementation phase of the CSC and drafting of ICANN's bylaws
  - b. consideration of whether the Charter should contain the Remedial Action Procedures.
  - c. a review of the Charter and Article 17 of the ICANN Bylaws and PTI-Agreement to ensure consistent language.
2. Conduct interviews with the CSC and the PTI to determine whether the CSC Charter is fit for purpose and whether the Charter would benefit from amendments or enhancements.
3. Prepare a consultation document seeking wider community input
4. Conduct a public session at ICANN 60 (November 2017) that is intended to provide an opportunity for the community to provide input to the process.
5. Produce an initial report on the outcome of the review. This report should also include suggested changes to CSC charter, if any.
6. In the event that changes are proposed to the CSC Charter, conduct a Public comment period on the initial report
7. Prepare a Final Report that includes a Revised CSC Charter to the ccNSO and GNSO Councils for adoption post ICANN 61 (to take into account suggested changes, if any from the ICANN 61 consultation).

### **Proposed Review Schedule**

*Adoption Terms of Reference (August 2017)*

- June – July 2017: Propose terms of reference for review to RySG and ccNSO
- July- August 2017: agreement/adoption terms of reference review

*Preparatory consultation with CSC and PTI & preparation of draft consultation document (September – October 2017)*

- Informal consultations September 2017
- Draft and finalize consultation document October 2017.

*Consultation and review (October 2017- November 2017)*

- 1 October 2017 kick-off review
- Public Consultation with PTI at ICANN 60
- Consultation with direct customers (ccTLD, gTLD operators, others) at ICANN 60
- Public Consultation with CSC at ICANN 60
- Public consultation (open session) at ICANN 60.

*Report on findings & suggested changes (December 2017 – March 2018)*

- Preparation draft report, including proposed changes charter, if any December 2017 – early January 2018
- Public comment January – March 2018, including a consultation with ccNSO and RySG at ICANN 61

*Finalization and closure (March – April 2018)*

- Update the report as required, and submit to ccNSO and GNSO Councils for adoption by their own rules and procedures (March 2018).
- Following the adoption of the report (and of any changes to the charter) by the ccNSO and GNSO, the review team mandate ends.