

IANA CWG Meeting #60 ICANN 53 Buenos Aires (25 June)

Attendees:

Members: Avri Doria, Donna Austin, Eduardo Diaz, Erick Iriarte, Fatima Cambronero, Graeme Bunton, Greg Shatan, Jaap Akkerhuis, Jonathan Robinson, Lise Fuhr, Olivier Crepin-Leblond, Seun Ojedeji, Staffan Jonson, Wanawit Ahkuputra (14)

Participants: Alan Greenberg, Alissa Cooper, Allan MacGillivray, Andrew Sullivan, Chuck Gomes, Izumi Okutani, James Gannon, Jian Chang, Maarten Simon, Markus Kummer, Martin Boyle, Mary Uduma, Matthew Shears, Rudi Vansnick, Tomohiro Fujisaki, Wolfgang Kleinwaechter, Yasuichi Kitamura (17)

Legal Counsel: Holly Gregory, Sharon Flanagan

Staff: Alain Durand, Ariel Liang, Berry Cobb, Bernie Turcotte, Brenda Brewer, Grace Abuhamad, Kim Carlson, Laena Rahim, Marika Konings, Samantha Eisner

Apologies: Cheryl Langdon-Orr

Please let Brenda know if your name has been left off the list (attendees or apologies).

Draft Agenda

1. Opening Remarks
2. Approval from chartering organizations
3. Future work of the CWG-Stewardship
 - a. pre-submission to NTIA
 - b. post-submission to NTIA
4. Response to letter from ICG (on trademark)
5. Future coordination
 - a. ICG
 - b. CRISP
 - c. IANAPLAN
 - d. CCWG-Accountability
6. AOB

Notes

1. Opening Remarks

We have approval from all five Chartering Organizations.

CWG-Stewardship will communicate proposal to ICG immediately following this meeting.

2. Approval from chartering organizations

ccNSO -- had Council meeting yesterday and approved submissions of proposal to the ICG. When doing 'sense of the room' earlier, there were no abstentions or objections.

ALAC -- met earlier today and approved the proposal. highlighted two comments:

1. selection of two PTI Board members should focus on diversity
2. successful operation of PTI will be contingent on adequate funding (especially for R&D)

ALAC Motion ratifying CWG-Stewardship Final Proposal: <http://atlarge-lists.icann.org/pipermail/alac/2015-June/008762.html>

GAC -- GAC letter of approval: <https://community.icann.org/x/lKY0Aw>

GNSO -- approved the motion to transmit report. highlighted conditionality

SSAC -- SAC072 comment on CWG-Stewardship proposal is supportive of proposal

3. Future work of the CWG-Stewardship

- pre-submission to NTIA

Need to finalize SLEs (work from DT-A, now called "SLE Team")

- Patricio Poblete (ccNSO): next step is to come to agreement on framework. Software changes will follow based on ICANN assessment of timing.
- Chuck Gomes (GNSO): costs for implementation of changes based on SLEs need to be covered

Action: monitor project plan for SLE implementation (and check on funding as part of this)

Action (SLE Team) to include seeking confirmation on adequate funding as part of their work

ICG assessment by 7 July. ICG will communicate to CWG-Stewardship on 8 July. CWG-Stewardship can expect clarifying questions. The plan is therefore to have a meeting on **9 July at 17:00 UTC**.

Action: CWG-Stewardship to deal both with ICG and Chartering Organization questions.

ICG will then compile document for Public Comment around 14 July. Document is unlikely to go out for Public Comment until end of July.

Action: CWG-Stewardship to meet shortly after the CCWG-Accountability document is ready for Public Comment and comment/review (course-correction if necessary). The same type of review will need to take place before final submission (anticipated for ICANN 54 in Dublin)

• *post-submission to NTIA*

What, if any, role does the CWG-Stewardship have in implementation?

- Greg Shatan (GNSO): need to break this time period into two blocks. One for NTIA consideration time and one for implementation time.
- Alan Greenberg (ALAC): at least one question in SAC072 needs to be addressed by DT-F. Some groups or DTs may need to gather to answer those questions. Chairs will need to alert the groups and direct work.
- James Gannon (GNSO): suggestion for 'Implementation Review Team' as a sub-group of CWG-Stewardship for those who are interested.
- Olivier Crepin-Leblond (ALAC): the CCWG-Accountability has a timeline with Public Comment periods through implementation.
- Alan Greenberg (ALAC): Pass the baton to the ICG so they can run Public Comments, but the CWG-Stewardship should consider more formal submissions than just individual comments.
- Chuck Gomes (GNSO): Principle from the Policy & Implementation WG in the GNSO: should be ongoing communication to make sure that at the intent of the recommendations is followed.

4. Response to letter from ICG (on trademark)

Short term: our response to ICG needs to clarify that our proposal is effectively silent on the trademark issue

Action Plan to deal with intellectual property, including IANA trademark and domain name registration:

1. Respond to the ICG
2. Meet with the other proposing groups
3. Compile an agreed set of facts
4. Start to work with potential solutions/resolutions with professional assistance
5. Formulate a CWG-Stewardship position if necessary
 - Chuck Gomes (GNSO): Need for action plan on trademark issue in today's meeting so that we can resolve sooner rather than later.
 - Greg Shatan (GNSO): Need an independent person to provide guidance.
 - Seun Ojedeji (ALAC): Need a high-level view on the community views on IPR before going into legal view.
 - Chuck Gomes (GNSO): Suggest that we reach out to both IANAPLAN and CRISP and involve them in CWG advice-seeking. CWG should not work independent of the other groups.
 - Andrew Sullivan (IAB): procedural problem with this plan: this coordination could reopen an issue that already had agreement within the IETF. Working method for IANAPLAN is mailing list based.
 - Sharon Flanagan (Sidley): Legal advice is not complex on this issue. To solve the issue, we need the facts and the goals (the rationale). Could get this from the other communities.
 - James Gannon (GNSO): Action plan as follows: 1) Set out the facts as they are; 2) set out what we want at the end; 3) we reach out to our counsel (a, b, c); 4) we then reach out to other communities; 5) we bring resolution to ICG.
 - Greg Shatan (GNSO): Identify a small group within this group to identify the facts.
 - Alan Greenberg (ALAC): unfortunate that communities couldn't have gotten together sooner. Try to cover separation possibility (where the issue lies).
 - Nurani Nimpuno (CRISP): offer to help :) Happy to have formal and informal process on this issue, but if the result of conversations could change position for the groups, the groups will need to go back to their communities and go back through bottom-up process.
 - Greg Shatan (GNSO): start with facts.

5. Future coordination

- Chairs have had contact with the various groups along the way.
- Will need to keep in touch with the CCWG-Accountability in particular both as Chairs and as a CWG.
- ICANN, as facilitator, will maintain an overview of the program. Chairs intend to feed in to that group where they need to provide input.

6. AOB

- Thank you to Sidley Austin, in particular Holly Gregory and Sharon Flanagan. Legal advice was critical to success of the CWG-Stewardship's work.
- Thank you staff!
- Thank you members, participants, and everyone who has supported to the CWG-Stewardship in getting a proposal to the ICG

Action Items

Action: monitor project plan for SLE implementation (and check on funding as part of this)

Action (SLE Team) to include seeking confirmation on adequate funding as part of their work

Action: CWG-Stewardship to deal both with ICG and Chartering Organization questions.

Action: CWG-Stewardship to meet shortly after the CCWG-Accountability document is ready for Public Comment and comment /review (course-correction if necessary). The same type of review will need to take place before final submission (anticipated for ICANN 54 in Dublin)

Transcript

Transcript CWG IANA #60 25 June.docx

Transcript CWG IANA #60 25 June.pdf

Recordings

The Adobe Connect recording is available here: <https://icann.adobeconnect.com/p48txek14py/>

The audio recording is available here: <http://audio.icann.org/meetings/buenosaires2015/cwg-stewardship-25jun15-en.mp3>

Chat Transcript

Brenda Brewer: (6/25/2015 06:15) Good Day all and Welcome to the CWG Stewardship Meeting #60 on 25 June in Buenos Aires!

Brenda Brewer: (06:17) Hello, my name is Brenda and I will be monitoring this chat room. In this role, I am the voice for the remote participants, ensuring that they are heard equally with those who are "in-room" participants. When submitting a question that you want read out loud, please provide your name and affiliation if you have one, start your sentence with <QUESTION> and end it with <QUESTION>. When submitting a comment that you want read out loud, once again provide your name and affiliation if you have one then start your sentence with a <COMMENT> and end it with <COMMENT>. Text outside these quotes will be considered as part of "chat" and will not be read out loud on the mic.

Brenda Brewer: (06:17) All chat sessions are being archived and follow the ICANN Expected Standards of Behavior: <http://www.icann.org/en/news/in-focus/accountability/expected-standards>

Staffan Jonson: (06:41) Hi all. Just joined for roll call

Grace Abuhamad: (06:44) GAC letter of approval: <https://community.icann.org/x/IKY0Aw>

Matthew Shears: (06:55) + 1 Johnathan

Olivier Crepin-Leblond: (06:58) ALAC Motion ratifying CWG-Stewardship Final Proposal: <http://atlarge-lists.icann.org/pipermail/alac/2015-June/008762.html>

Grace Abuhamad: (06:58) Thanks @oliver

Matthew Shears: (07:02) we could envision some combination of CCWG CWG to assess implementation given dependencies (distinct from work of the CCWG in ensuring overall implementation the accountability enhancements)

Matthew Shears: (07:04) a new DT for implementation assessment?

James Gannon: (07:06) Yes Matt I don't mind what the name is, but a sub group that oversees the management going into implementation to assist the ICG with their work

Matogoro Jabhera: (07:07) hello Brenda

Matogoro Jabhera: (07:07) sorry for late joining

Matogoro Jabhera: (07:07) I don't actually get video

Matogoro Jabhera: (07:07) is it audio only meeting?

James Gannon: (07:07) Its important to note I think that the ICG is having a similar discussion over their role re implementation. So let's not assume that they will even be there for implementation!

James Gannon: (07:09) @Mato Yes audio only

Farzaneh Badii: (07:09) I don't see cameras in the room matogoro so I assume yes

Matogoro Jabhera: (07:09) Good

Matogoro Jabhera: (07:10) Participating remotely from remote hub and joined somehow late due to link problem

Matogoro Jabhera: (07:10) thanks Badii for this feedback

Matogoro Jabhera: (07:10) feel like lost

Brenda Brewer: (07:11) @ Matogoro, apologies for now video on this call today. Can you hear the call alright?

Brenda Brewer: (07:11) no video.

Chuck Gomes (RySG): (07:11) I think it would be good to identify an action plan at least at a high level to deal with the IP issue in this meeting today.

Matogoro Jabhera: (07:12) No problem Brenda

abibu (.tz): (07:12) the audio is okay and the message well understood.

Matogoro Jabhera: (07:12) can you share me the link to the meeting document or slide for this meetin

Brenda Brewer: (07:13) There are no documents being shared on this call. The notes transcript all for now.

Matogoro Jabhera: (07:13) good

Seun Ojedeji: (07:16) The CWG charter ties to lifespan of the CWG-Stewardship on ICG's response/green light. So i agree with James about coordinating with ICG on whether we follow-up with implementation or not. Nevertheless, the scope of the charter can be further expanded as its currently silent on the group's role after submission

Andrew Sullivan: (07:17) I put my hand down, since there's no mic at this table and it seems like a nit, but when we say "meet with the other groups" how do we think that will work?

Andrew Sullivan: (07:17) The IETF WG, just for instance, works on the mailing list and in IETF meetings

abibu (.tz): (07:17) +1 @seun

Andrew Sullivan: (07:17) and since there was no agenda stuff for Prague that session was cancelled yesterday

RP - Tech 2: (07:19) @Andrew -- can you find a mic and ask your question?

Andrew Sullivan: (07:19) Actually, that's probably not something to work out in this room.

Andrew Sullivan: (07:19) I should probably send a note to the list instead

Andrew Sullivan: (07:20) Ok, I'll come to the mic

Avri Doria: (07:20) for those who like me had no idea what they meant by the cartoon: <http://projectcartoon.com/cartoon/3>

Seun Ojedeji: (07:27) I guess Andrew hits my point exactly....we need to get a clear view of what we want as CWG

Matthew Shears: (07:27) agree with Chuck CWG should ask for a meeting/call between the appropriate persons from IANAPLAN and CRISP to understand options - but it would help to have a view in CWG first

Avri Doria: (07:28) i think we are overcomplicating this. as someone on all three lists, i do not see the issues as that large.

Avri Doria: (07:30) unfortunately we started this by getting stirred up into a frenzy. once we all calm down and look at what is needed, i think the solution will be relative clear.

Suzanne: (07:31) @Matthew, there's not really an easily identified set of "appropriate persons from IANAPLAN and CRISP." In the IETF case at least, the chairs of the WG administer the work for the WG, but aren't empowered to take part in a decision to share legal counsel or something. The administrative body inside the IETF also has a specific remit. It's not clear how to engage exactly. It should be doable to come up with a mechanism. However, I do agree with Andrew's assessment that it needs some thought.

Seun Ojedeji: (07:31) I think the goal of the numbers community is quite clear in their proposal. IETF perhaps may not be very specific on its goals in relation to trademarks but their overall goal seem clear. I think the CWG goal should be independently determined before comparison with other's goal, except that CWG needs motivation from other communities view

James Gannon: (07:33) I diagre with Greg I think we are overcomplicating the situation

Andrew Sullivan: (07:33) @Suz, Matthew, Avri: Suz is reflecting what I'm trying to say. The "appropriate people" for "what do you want?" at the IETF is "the whole IETF". There's a consensus document, and it reflects what the IETF thinks

Seun Ojedeji: (07:33) +1 James

Andrew Sullivan: (07:33) if we want to re-open that, it's a discussion with 1200+ of my closest friends

James Gannon: (07:33) Yes there is history and political elenemtns but lets not bring our counsel into that lets give them a set of facts and have them counsel us.

Greg Shatan (IPC/CSG/GNSO): (07:34) History is part of the facts.

Avri Doria: (07:34) i was wrong, we not over complicating, we are hyper complicating.

James Gannon: (07:34) +1 Avri

Andrew Sullivan: (07:35) I do agree that this doesn't need to be complicated. I'm just trying to understand which problem we're trying to solve. I suggest that it'd be good to say, "We're trying to maintain the status quo, in which all the communities use the marks now"

Andrew Sullivan: (07:36) But we don't seem able to get people to say that (since the IETF's position is "no change")

James Gannon: (07:36) +1 Andrew

Greg Shatan (IPC/CSG/GNSO): (07:36) We are getting beyond the facts to preliminary conclusions based on unstated facts.

Izumi Okutani: (07:36) I agree Andrew

Greg Shatan (IPC/CSG/GNSO): (07:37) If no change is the goal -- the trademarks and domain names are all owned by ICANN.

Andrew Sullivan: (07:37) @Greg: yes

Andrew Sullivan: (07:37) But IETF's goal is no change to its operations, not no change to the facts (the facts are changing)

Seun Ojedeji: (07:38) I guess Greg's seem to be over-emphasizing this trademark issue and perhaps i am not surprised considering Greg's background. Nevertheless, i think it should be simple enough ;-)

Andrew Sullivan: (07:38) +1 to Nurani: always have to go back to community

Chuck Gomes (RySG): (07:38) Is it not feasible to consult with the protocol and numbers community? If not, then maybe the CWG should perform our action items without their involvement and then present the results of our actions to them for their consideration.

Olivier Crepin-Leblond: (07:39) I am really perplexed if this issue of IANA.ORG is suh an issue. I mean, couldn't we just cal it anything? Like SPUD, or whatever... It's just a name. We are more interested in the numbers. In the case the functions split in the future, functions can be transfered to organisation having any name.

James Gannon: (07:39) I must be possible in the interests of cooperation on all sides. We cant make a decision on this by majoroity of the three communities. We need an acceptable compromise.

Andrew Sullivan: (07:39) @Chuck: you can of course consult with those communities, but it depends what you want to do. That was my point

Andrew Sullivan: (07:39) if you want to have a legal discussion with the IETF, it's easy: talk to IAOC

James Gannon: (07:40) Chuck that was why my suggestion was to engage with them after we have recieved our options.

Andrew Sullivan: (07:40) if you want to have a discussion about goals with the IETF, you talk to ianaplan@ietf.org and then ietf@ietf.org

Andrew Sullivan: (07:40) and that's maybe a little harder

James Gannon: (07:40) Makes for a 'simpler' discussion

Chuck Gomes (RySG): (07:41) I suggest we start with the easier approach. We can always involve the broader communities if needed.

Andrew Sullivan: (07:42) @Olivier, yes, it could be called anything. There are several of us who wish that 15 or so years ago we had created protocols.iana.org, numbers.iana.org, and names.iana.org

Andrew Sullivan: (07:42) but we didn't :-(

Olivier Crepin-Leblond: (07:42) I am very surprised that we are so attached to a name. If IANA was a reserved name that was inherently linked to the DNS irself (line .ARPA for example), I would say there is an issue, but there is no .IANA there is no need for the IANA name/label in the running of IP addresses and there is no IANA in the protocols file either.

Andrew Sullivan: (07:42) @Olivier, no, that's not so easy

Farzaneh Badii: (07:43) Thanks for the great notes Grace. Especially the brief grasp of what Greg said: start with facts.

Andrew Sullivan: (07:43) software all over the Internet is configured on the basis of registries under iana.org

James Gannon: (07:43) +1 Chuck, their work has been excelntional, and they learned to understand the community so quickly!

Olivier Crepin-Leblond: (07:43) @Andre let's speak together in a moment

Greg Shatan (IPC/CSG/GNSO): (07:43) I'm not overemphasizing it. There are good reasons to get this right.

Andrew Sullivan: (07:43) Ok

Seun Ojedeji: (07:43) @Olivier practically i think the name IANA is more used in protocols than any of the 3 operational communities

Greg Shatan (IPC/CSG/GNSO): (07:44) Andrew, that's a fact. We have to put that in context and then this group needs to decide what that means.

Olivier Crepin-Leblond: (07:44) @Seun I have just done a search in the /etc/protocols file - it's just mentioned in a comment. Not one socket is called IANA

Seun Ojedeji: (07:44) @Olivier, did you run a grep on all the RFCs?

Greg Shatan (IPC/CSG/GNSO): (07:45) @Seun, use alone is an incomplete fact. Not all uses are trademark uses (i.e., uses that are made in the role of owner/originator of services).

Brenda Brewer: (07:45) Thank you for your participation.

Mary Uduma: (07:45) tHANK YOU ALL AND BYE.