

1 CWG-Stewardship 2nd Draft Proposal Input Template

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3 The CWG-Stewardship has developed a template to facilitate your input on the 2nd
4 Draft Proposal as well as subsequent review by the CWG-Stewardship. Use of the
5 template is strongly encouraged, but not required. This template provides the
6 opportunity for general input on the proposal as well as specific comments per section.
7 Please note that there is no obligation to complete all of the sections – commenters
8 may respond to as many or as few as they wish. Following your completion of the
9 template, please save the document and submit it as an attachment to the public
10 comment forum (comments-cwg-stewardship-draft-proposal-22apr15@icann.org). The
11 CWG-Stewardship looks forward to receiving your feedback.

12
13 1. Please provide your name:

14 [Alan Greenberg](#)

15 2. Please provide your affiliation:

16 [Chair, At-Large Advisory Committee \(ALAC\)](#)

17 3. Are you providing input on behalf of another entity (e.g. organization, company,
18 government)? Yes/No

19 [Yes](#)

20 4. If you answered 'yes' to the previous question, please list the entity on whose behalf
21 you are submitting these questions:

22 [ALAC](#)

23 General Comments

24 5. If you have any general comments you would like to provide on the CWG-
25 Stewardship Proposal, please provide these here.

26 [The ALAC is generally supportive of the Draft Proposal.](#)

27
28 [As detailed under the comment on section III.A.i.a, the ALAC would prefer an IANA
29 wholly integrated into ICANN, but is willing to accept the compromise of a separate
30 legal entity if the details of its organization and governance are satisfactory.](#)

31
32 [We do have:](#)

- 33 [• one very major concern that we believe must be addressed by the CWG,
34 specifically the lack of multi-stakeholder oversight involvement and we will
35 offer guidance as to how this might be addressed;](#)
- 36 [• one area where the ALAC had not yet reached consensus, but we have some
37 concerns over the current direction of the CWG, specifically the Board \(or
38 other controlling entity\) of the Post-Transition IANA \(PTI\); and](#)
- 39 [• a number of lesser concerns and requests for clarification.](#)

40 Section I - The Community's Use of IANA

41 6. Do you have any specific comments or input you would like to provide with regards
42 to section I - The Community's Use of the IANA? Section I lists the specific, distinct
43 IANA services or activities the naming community relies on.

44 [No.](#)

45 If so, please provide your comments here.

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47 If applicable, please reference the sub-section your comment relates to.

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50 **Section II - Existing Pre-Transition Arrangements**

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52 7. Do you have any specific comments or input you would like to provide with regards
53 to section II - Existing Pre-Transition Arrangements? This section describes how
54 existing IANA-related arrangements work, prior to the transition.

55 [No.](#)

56 If so, please provide your comments here.

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58 If applicable, please reference the sub-section your comment relates to.

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61 **Section III - Proposed Post-Transition Oversight and Accountability**

62 8. Do you have any specific comments or input you would like to provide with regards
63 to section III.A - Elements of this Proposal? This section describes in short the main
64 elements of the proposed post-transition oversight and accountability.

65 [No.](#)

66 If so, please provide your comments here.

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68 If applicable, please reference the sub-section your comment relates to.

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72 9. Do you have any specific comments or input you would like to provide with regards
73 to section III.A.i - Proposed Post-Transition Structure. This section provides an
74 overview of the different elements of the proposed post-transition structure.

75 [No.](#)

76 If so, please provide your comments here.

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78 If applicable, please reference the sub-section your comment relates to.

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10. Do you have any specific comments or input you would like to provide with regards to section III.A.i.a. - Post-Transition IANA (PTI). This section describes the proposed post-transition IANA.

Yes.

If so, please provide your comments here.

The ALAC believes that there is significant cost and complexity associated with establishing IANA as a legally entity separate from ICANN. There are several reasons:

- PTI will ultimately be completely controlled by ICANN, so the legal division will not have any real effect;
- The benefit of the pre-defined boundaries and budgets can be achieved far easier by simply requiring ICANN to establish them in association with IANA as a division;
- The benefit of a “contract” between ICANN and IANA is dubious. It is technically legally enforceable, but the concept of ICANN suing PTI or vice-versa defies logic, since ICANN is in full control of PTI.
- The possible reduction of liability in the case of PTI as a Public Service Corporation and ICANN being forced into bankruptcy may have some merit, but it is unclear whether the courts would treat this if it really happened.
- The complexities of establishing an acceptable PTI governance plan, including its Board if there is one has so far stymied the CWG and it is unclear how to proceed.

That being said, IF we can address the above complexities and governance issues to our satisfaction, and IF the costs are not outrageous, the ALAC is willing to accept this compromise.

Presuming this legally organized PTI, questions of what power the Board has, who manages PTI staff (including the senior executive), and how the extra budget requirements will be met must be addressed.

If applicable, please reference the sub-section your comment relates to.

11. Do you have any specific comments or input you would like to provide with regards to section III.A.i.b. - Post-Transition IANA Board. This section describes the proposed Board for the post-transition IANA.

Yes.

If so, please provide your comments here.

There have been discussions on the size and responsibilities of the PTI Board. The ALAC believes that the PTI Board must be able to exercise control over PTI and must have the necessary resources and skills to do so. If everything is going well, this Board will have little to do other than the normal corporate oversight responsibilities

125 (appointing auditors, approving budgets, setting executive remuneration, selecting the
126 senior executive if necessary).

127
128 However, if things are not working well and the PTI staff have not or cannot resolve
129 the issue, then the PTI Board should be the next level of recourse, and it must be
130 equipped with the proper management skills and other resources to carry out this
131 responsibility.

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133 Although the size is not the ultimate measure, more than 5 seems overkill based on
134 the size of the operation it is overseeing.

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136 The ALAC is still discussing who should sit on the Board, but it is very clear that this
137 must not largely be representatives of registries. Although it is clear that registries
138 must have significant input into IANA's operations, PTI is ultimately there to serve
139 the overall Internet community and registries are just a part of that. Moreover, PTI
140 will serve communities other than just the names function and the PTI Board must not
141 have a bias toward any of these communities.

142
143 Ultimately, as the owner or sole member of PTI, ICANN and its MS community will
144 be able to exercise full control over PTI, but PTI must be given the wherewithal to
145 function on its own – that is one of the core reasons that a separate entity is being
146 created.

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148 If applicable, please reference the sub-section your comment relates to.

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152 12. Do you have any specific comments or input you would like to provide with regards
153 to section III.A.i.c. - IANA Statement of Work. This section describes the proposed
154 IANA Statement of Work, including proposed carryover provisions.

155 No.

156 If so, please provide your comments here.

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162 13. Do you have any specific comments or input you would like to provide with regards
163 to section III.A.i.d. - IANA Function Review. This section describes the proposed
164 periodic as well as special review of the IANA Function.

165 Yes.

166 If so, please provide your comments here.

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Comments here also apply to Annex F

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The IFR must also be allowed to review the CSC and its effectiveness as well as recommend changes to its composition and charter.

As an integral and extremely important part of the overall transitioned IANA, the CSC cannot be exempted from the periodic review that the CWG has wisely mandated.

The composition of the IFRT is problematic in that it is envisioned as a relatively extensive process and allowing only 1 person per most stakeholders can have continuity implications. At the very least, the composition must allow at least one Alternate per stakeholder.

It is unclear whether the mandate of the IFR is purely the names component of IANA, or will cover the entire range of IANA operations. Related to this, it is unclear what organizations outside of ICANN might be included in the IFRT.

If applicable, please reference the sub-section your comment relates to.

14. Do you have any specific comments or input you would like to provide with regards to section III.A.ii.a. - Customer Standing Committee (CSC). This section describes Customer Standing Committee that is expected to oversee performance of the IANA Functions as they relate to naming services.

Yes.

If so, please provide your comments here.

The ALAC presumes that all the deliberations and output of the CSC will be completely transparent. Any exclusions must be explicitly documented.

The following comments here also apply to Annex J.

The ALAC does not believe that the ccNSO or the GNSO are the appropriate bodies to which the CSC should escalate problems. There are several reasons for this.

- The ccNSO and GNSO are policy bodies. As such, they should not be in the direct path to address IANA operational issues. That violates one of the prime principles of IANA being operated under the auspices of ICANN.
- The GNSO does not have the processes to investigate or otherwise address operational issues with PTI. The staff assigned to the GNSO are explicitly Policy staff.
- Although the GNSO is a multi-stakeholder body, it has a restricted number of multistakeholders, and assigning escalation to the GNSO would put these stakeholders in a privileged position relative to the rest of those within and outside of ICANN.

214 • Annex J implies that the only real recourse that the GNSO or the ccNSO
215 would have would be to invoke the community empowerment mechanisms
216 being designed by the CCWG. It makes no sense to first go to the one or two
217 registry SOs instead of going to a community-wide group that actually has the
218 power to take action. This intermediate step will only delay and possible
219 action.

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221 The concept of the Multistakeholder Review team from the original Contract Co
222 model indeed made sense. In this model, it would simply be the empowered group
223 of stakeholder representatives who actually have the power to act on a CSC
224 concern. This group must be provided with staff resources to allow it to function
225 properly.

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227 If applicable, please reference the sub-section your comment relates to.

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232 15. Do you have any specific comments or input you would like to provide with regards
233 to section III.A.ii.b. - Service Level Expectations. This section describes the proposed
234 service level expectations post-transition.

235 No.

236 If so, please provide your comments here.

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238 If applicable, please reference the sub-section your comment relates to.

242 16. Do you have any specific comments or input you would like to provide with regards
243 to section III.A.ii.c. - Escalation mechanisms. This section describes the different
244 proposed escalation mechanisms as they relate to the naming services.

245 No.

246 If so, please provide your comments here.

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248 If applicable, please reference the sub-section your comment relates to.

252 17. Do you have any specific comments or input you would like to provide with regards
253 to section III.A.ii.d. - Separation review. This section describes the separation review
254 that can be triggered by an IANA Function Review if needed

255 Yes.

256 If so, please provide your comments here.

257 It is unclear what is to be “separated” from what. This is an important issue, and
258 given previous versions of this proposal have had VERY different meanings for the

259 word, this proposal must be explicit as to the type or types of separation
260 contemplated.

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262 If applicable, please reference the sub-section your comment relates to.

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266 18. Do you have any specific comments or input you would like to provide with regards
267 to section III.A.ii.e. - Framework for transition to successor IANA Operator. This
268 section describes the proposed framework for a transition to a successor IANA
269 Operator to ensure continuity of operations.

270 No.
271 If so, please provide your comments here.

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273 If applicable, please reference the sub-section your comment relates to.

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279 19. Do you have any specific comments or input you would like to provide with regards
280 to section III.A.iii.a. - Proposed changes to root zone environment and relationship
281 with root zone maintainer. This section describes the proposed changes to the root
282 zone environment and the relationship with the Root Zone Maintainer.

283 No.
284 If so, please provide your comments here.

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286 If applicable, please reference the sub-section your comment relates to.

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290 20. Do you have any specific comments or input you would like to provide with regards
291 to section III.A.iv.a. - ccTLD Delegation Appeals. This section describes the proposed
292 recommendation in relation to a ccTLD delegation appeals mechanism.

293 No.
294 If so, please provide your comments here.

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296 If applicable, please reference the sub-section your comment relates to.

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300 21. Do you have any specific comments or input you would like to provide with regards
301 to section III.A.iv.b. - IANA Budget. This section describes the recommendations in
302 relation to the IANA Budget.

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Yes.
If so, please provide your comments here.
[The Annex N, 2.c comment on the need for budget to support R&D should be included here.](#)

If applicable, please reference the sub-section your comment relates to.

22. Do you have any specific comments or input you would like to provide with regards to section III.A.iv.c. - Regulatory and legal obligations. This section describes the regulatory and legal obligations post-transition and how these are expected to be met.

No.
If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

23. Do you have any specific comments or input you would like to provide with regards to section III.B. - Implications for the interface between the IANA Functions and existing policy arrangements. This section describes the expected implications for the interface between the IANA Functions and existing policy arrangements as a result of the proposed transition arrangements.

No.
If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Section IV - Transition Implications

24. Do you have any specific comments or input you would like to provide with regards to section IV. - Transition Implications. This section is expected to describe the CWG-Stewardship views as the implications of the changes it proposed in Section III.

No.
If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

344 **Section V - NTIA Requirements**

345 25. Do you have any specific comments or input you would like to provide with regards
346 to section V. - NTIA Requirements. This section is expected to describe how the
347 proposal community's proposal meets these requirements and how it responds to
348 the global interest in the IANA functions.

349 [No.](#)

350 If so, please provide your comments here.

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352 If applicable, please reference the sub-section your comment relates to.

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362 **Section VI - Community Process**

363 26. Do you have any specific comments or input you would like to provide with regards
364 to section VI. - Community Process. This section is expected to describe This section
365 should describe the process the community used for developing this proposal.

366 [No.](#)

367 If so, please provide your comments here.

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369 If applicable, please reference the sub-section your comment relates to.

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372 **Annexes**

373 [No to all except Annex G. Other relevant comments already included in appropriate](#)
374 [sections of the main text.](#)

375

376 27. Do you have any specific comments or input you would like to provide with regards
377 to section Annex A - The Community's Use of the IANA - Additional Information.

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379 If so, please provide your comments here.

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381 If applicable, please reference the sub-section your comment relates to.

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28. Do you have any specific comments or input you would like to provide with regards to section Annex B - Oversight mechanisms in the NTIA IANA Functions Contract.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

29. Do you have any specific comments or input you would like to provide with regards to section Annex C - Principles and criteria that should underpin decisions on the transition of NTIA Stewardship for names functions.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

30. Do you have any specific comments or input you would like to provide with regards to section Annex D - Xplane Diagram.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

31. Do you have any specific comments or input you would like to provide with regards to section Annex E - IANA Contract provisions to be carried over post-transition.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

32. Do you have any specific comments or input you would like to provide with regards to section Annex F - IANA Function Reviews.

If so, please provide your comments here.

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If applicable, please reference the sub-section your comment relates to.

33. Do you have any specific comments or input you would like to provide with regards to section Annex G - Proposed charter of the customer standing committee (CSC).

Yes.

If so, please provide your comments here.

Page 60, Annex G

Although it may not hurt, the concept of a unaffiliated registry being allowed to be a Liaison does make sense as Liaisons are from groups that are explicitly not registries.

The proposal says that Members and Liaisons “will be appointed by their respective communities in accordance with internal processes”, but also that “the full membership of the CSC must be approved by the ccNSO and the GNSO”. Those two specifications conflict with each other. Similarly, it is unclear how the ccNSO and GNSO will address geographic diversity or skill sets while honoring the first premise. If stakeholders appoint their own Members or Liaisons, no further approval is needed.

Do the term limitation and staggered appointment rules apply just to Members (which makes sense) or also Liaisons (which doesn’t).

Page 61, Annex G

CSC Charter changes should be approved by the Community and not just the ccNSO and GNSO. The proposal puts the non-Registry parts of the GNSO in an inappropriately privileged position compared to stakeholders that are not part of the GNSO.

Page 62, Annex G

Same comment in relation to the review of the CSC.

If applicable, please reference the sub-section your comment relates to.

34. Do you have any specific comments or input you would like to provide with regards to section Annex H - Service level expectations.

If so, please provide your comments here.

471 If applicable, please reference the sub-section your comment relates to.
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474 35. Do you have any specific comments or input you would like to provide with regards
475 to section Annex I - IANA Customer Service Complaint Resolution Process for Naming
476 Related Functions.
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478 If so, please provide your comments here.
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480 If applicable, please reference the sub-section your comment relates to.
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484 36. Do you have any specific comments or input you would like to provide with regards
485 to section Annex J - IANA Problem Resolution Process (for IANA naming services
486 only).
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488 If so, please provide your comments here.
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490 If applicable, please reference the sub-section your comment relates to.
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494 37. Do you have any specific comments or input you would like to provide with regards
495 to section Annex K - Root Zone Emergency Process.
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497 If so, please provide your comments here.
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499 If applicable, please reference the sub-section your comment relates to.
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503 38. Do you have any specific comments or input you would like to provide with regards
504 to section Annex L - Separation Review.
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506 If so, please provide your comments here.
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508 If applicable, please reference the sub-section your comment relates to.
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39. Do you have any specific comments or input you would like to provide with regards to section Annex M - Framework for transition to a successor IANA operator.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

40. Do you have any specific comments or input you would like to provide with regards to section Annex N - Proposed changes to root zone environment and relationship with root zone maintainer.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

41. Do you have any specific comments or input you would like to provide with regards to section Annex O - ccTLD Appeals Mechanism Background and Supporting Findings.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

42. Do you have any specific comments or input you would like to provide with regards to section Annex P - IANA Operations Cost Analysis.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

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560 43. Do you have any specific comments or input you would like to provide with regards
561 to section Annex Q - IANA Budget.

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563 If so, please provide your comments here.

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565 If applicable, please reference the sub-section your comment relates to.

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569 **Other Comments**

570 44. Are there any other comments or issues you would like to raise for the consideration
571 of the CWG-Stewardship?