[Internal-cg] Combined proposal assessment - NC

Narelle Clark narelle.clark at accan.org.au
Wed Jul 15 03:14:25 UTC 2015

- Previous message (by thread): [Internal-cg] Combined proposal assessments - subfolder on Dropbox
- **Messages sorted by:** [date] [thread] [subject] [author]

Here is my combined proposal assessment.

A. Compatibility and interoperability: Do the proposals work together in a single proposal? Do they suggest any incompatible arrangements where compatibility appears to be required? Is the handling of any conflicting overlaps between the functions resolved in a workable manner?

PTI
Under the Names proposal, IANA is no longer operated by ICANN, thus ICANN would require some form of contractual or as yet undefined constitutional arrangement that is satisfactory to the Numbering and Protocol communities for this to be compatible. At this stage I find it very hard not to see this as an incompatibility, but resolvable.

IANA Trademark
Under the Names proposal,
"In order to identify and isolate the IANA naming functions, both functionally and legally, from the ICANN entity, the CWG-Stewardship recommends the creation of a Post-Transition IANA (PTI). PTI will be a new legal entity in the form of a non-profit corporation (i.e., a California public benefit corporation). The existing IANA functions department, administrative staff, and related resources, processes, data, and know-how will be legally transferred to PTI. [8] No further transfer of assets from PTI to another entity will be allowed unless specifically approved by ICANN."

Here there is potentially an issue of incompatibility. The fact that the IANA trademark and domain name are not part of the identifiable assets to be transferred to the PTI makes this part of the proposal incompatible with the CRISP proposal, which states:
"With regards to the IANA trademark and the IANA.ORG domain, it is the expectation of the Internet Number Community that both are associated with the IANA Numbering Services and not with a particular IANA Numbering Services Operator. Identifying an organization that is not the IANA Numbering Services Operator and which will permanently hold these assets will facilitate a smooth transition should another operator (or operators) be selected in the future. It is the preference of the Internet Number Community that the IANA trademark and the IANA.ORG domain name be transferred to an entity independent of the IANA Numbering Services Operator, in order to ensure that these assets are used in a non-discriminatory manner for the benefit of the entire community. From the Internet Number Community's perspective, the IETF Trust would be an acceptable candidate for this role."

B. Accountability: Do the proposals together include appropriate and properly supported independent accountability mechanisms for running the IANA function? Are there any gaps in overall accountability under the single proposal?

The lack of specificity from the Names community leads to an unavoidable conclusion that there is a gap in overall accountability. In particular, the Names community should resolve the accountability issues as they relate to what the CCWG has identified as Work Stream 1.

These accountability issues are: 1) Recall of the whole ICANN Board; 2) Removal of individual Directors; 3. Approving Fundamental Bylaws changes; 4. reconsider/reject changes to ICANN " standard" bylaws; 5) reconsider/reject budget or strategy/operating plans; 6) Incorporating the AoC into the ICANN Bylaws.

The Numbers and Protocol communities have well established, proven systems of accountability in place already and their proposals reference these. That is, everything seems to exist and work, other than the new mechanism for SLA oversight proposed by the Numbering community, however this appears to be within an established, accepted framework, ie consensus is well evidenced.

C. Workability: Do the results of any tests or evaluations of workability that were included in the component proposals conflict with each other or raise possible concerns when considered in combination?

The Accountability mechanisms in the Names proposal are essentially undefined so therefore are untested.

NTIA Criteria Compliance
==========
Handling of ccTLDs
It is arguable that there is an assertion of government control implicit in a specific section of the names proposal and in particular as it relates to the ccTLDs: specifically via:
"1.7: It is recalled that the WSIS Plan of action of December 2003 invites "Governments to manage or supervise, as appropriate, their respective country code top-level domain name". Any such involvement should be based on appropriate national laws and policies. It is recommended that governments should work with their local internet community in deciding on how to work with the ccTLD Registry."

Considering both of these together, one is led to wonder about whether this is a potential incompatibility with the NTIA criteria that it "will not accept a proposal that replaces the NTIA role with a government-led or an inter-governmental organization solution".

The NTIA seems to be more in line with RFC 1591 which asserts that:
"The country code domains (for example, FR, NL, KR, US) are each organized by an administrator for that country. These administrators may further delegate the management of portions of the naming tree. These administrators are performing a public service on behalf of the Internet community."

--

Narelle Clark
Director of Operations - Deputy CEO

Australian Communications Consumer Action Network (ACCAN)
Suite 4.02 Level 4, 55 Mountain St, Ultimo NSW 2007 AUSTRALIA
M: 0412 297 043 | P: 02 9288 4000 | F: 02 9288 4019 | TTY: 02 9281 5322

Join the discussion on Facebook, follow on Twitter or receive our weekly WebNews
www.accan.org.au

- Previous message (by thread): [Internal-cg] Combined proposal assessments - subfolder on Dropbox
- **Messages sorted by:** [date] [thread] [subject] [author]

More information about the Internal-cg mailing list