17 June 2015

Dear ICG Chairs,

We refer to the message from the ICG Chairs to the CRISP Team on 27 May 2015 <https://www.nro.net/pipermail/ianaxfer/2015-May/000563.html>, in which the numbers community was asked for an estimate of the time required to complete the proposal development and to implement those aspects of the transition proposal that need to be completed prior to expiry of the NTIA contract. We also note a message from Lawrence Strickling on behalf of the NTIA, to the ICG Chairs on 6 May 2015 <http://www.ianacg.org/icg-files/correspondence/Letter-to-ICG-May-6.pdf>, in which the ICG was asked similar questions.

In identifying timeframes to implement the CRISP Team's proposal <https://www.nro.net/wp-content/uploads/ICG-RFP-Number-Resource-Proposal.pdf> , the CRISP Team and the RIRs provide the following update:

1.   SLA development

The CRISP Team's proposal, section III.A.3, specifies that a new contract, referred to as a Service Level Agreement (SLA), be established between the IANA Numbering Services Operator and the five RIRs.

A first draft of the proposed SLA between the RIRs and ICANN (as the IANA Numbering Services Operator) was published with a call for comments on 1 May 2015 <https://www.nro.net/pipermail/ianaxfer/2015-May/000472.html>. The comment period closed on 14 June 2015.

1.1   Next Steps

The RIRs will consider the comments received, and produce a second draft. Subsequent to the second draft, there may be an additional round of public consultation to produce the contract that will be presented to, and perhaps negotiated with, ICANN.

We expect that ICANN (as the existing and proposed future IANA Numbering Services Operator) and the RIRs will be prepared and ready to sign the agreement on or before 30 September 2015, which is the expiry date of the existing IANA functions contract between NTIA and ICANN. However, we acknowledge that external factors, such as protracted discussions with ICANN, could have an impact on the timeline which is impractical to estimate. Furthermore, ICANN may need to wait for NTIA to approve the transition before signing an SLA with the RIRs. We look forward to hear NTIA's views on whether this is or not the case.

1.2   Continuity of operations

The CRISP Team's proposal, section III.A.3, contains a set of IANA Service Level Agreement principles. Principle 8 requires an orderly transition to any future IANA Numbering Services Operator.

Based on feedback received by the CRISP team, the final SLA is expected to include an attachment which will document all IANA processes involved in performing the numbers function. The purpose of this is to give certainty should the unexpected eventuality of a transition to a new IANA Numbering Services Operator should arise. As part of the SLA between ICANN and the RIRs, ICANN may be required to make copies of data available to the RIRs in order to guarantee a smooth transition.

As stated elsewhere in this response, we expect the parties to be ready to sign the SLA by the end of September 2015. A full-fledged plan for a smooth transition to a hypothetical new IANA Numbering Services Operator will not be in place by this time, but we believe that the existence of this plan is not a prerequisite and need not delay the transition.

2.   Review Committee

The CRISP Team's proposal, section III.A.4, specifies that a Review Committee should be established, to review the level of service received from the IANA Numbering Services Operator.

The RIRs intend to publish a first draft of the charter for the Review Committee, before the end of June 2015. This draft will be open for public comment, in a similar fashion to the SLA, and there may be a second draft incorporating comments.

We fully expect that the Review Committee charter will be ready before 30 September 2015, which is the expiry date of the existing IANA functions contract between NTIA and ICANN. This charter is likely to give each regional RIR community the responsibility of developing and using its own local processes for appointing members of the Review Committee.

We believe that it is not necessary that the first Review Committee members be appointed before the transition. It will take one round of face-to-face RIR meetings for RIRs to finalize their respective processes and appointments, which will take until November 2015. These appointments are not considered a prerequisite and need not delay the transition[1].

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[1] It is useful to highlight that the appointment of community representatives from each RIR is a well-known process to the numbers community. Such processes have been applied over many years to the selection of the ASO AC and other committee structures, and most recently to the selection of CRISP Team representatives.

3.   IPR associated with the IANA function

The CRISP Team's proposal, section III.A.2, describes the expectations of the numbering community regarding intellectual property rights relating to the performance of the IANA Numbering Services. Some such intellectual property should be in the public domain, while other such intellectual property should be transferred to the RIRs, and the IANA Numbering Services Operator should facilitate a smooth transition to its successor.

We expect that negotiations between the RIRs and ICANN on this matter will be conducted in conjunction with negotiations about the SLA, and will be concluded before 30 September 2015, which is the expiry date of the existing IANA functions contract between NTIA and ICANN. However, we acknowledge that external factors, such as coordination between the three operational communities (numbers, names and protocol and parameters) which may be required to agree on administrative changes to the IANA trademark and the IANA.ORG domain name, could have an impact on the timeline which is impractical to estimate. Furthermore, we believe that the administration procedures needed to transfer IPR rights should not be a prerequisite before the transition since these legal arrangements do not affect the operation of the IANA functions.

CONCLUSION

The CRISP team and the RIRs identified three components of the CRISP proposal to be implemented before the expiry of the NTIA contract. After identifying timeframes for the implementation of these components, the numbers community is able to reiterate its expectation that the IANA Numbering Services can be transitioned from NTIA oversight at the end of September 2015, which is when the current contract between the NTIA and ICANN expires.

Izumi Okutani, Chair, CRISP Team
Alan Barrett and Paul Wilson, ICG members