

DRAFT MINUTES: Sixth IANA Stewardship Coordination Group (ICG) Face-to-Face Meeting – Day 1

09:00 – 17:00 UTC – 8 (Local time, PDT), Friday, 18 September 2015

Meeting [agenda](#) and [archives](#)

ICG Participants

Alan Barrett (NRO)
Alissa Cooper (IETF)
Daniel Karrenberg (RSSAC)
Demi Getschko (ISOC)
Hartmut Glaser (ASO)
James Bladel (GNSO)
Jandyr Ferreira dos Santos (GAC)
Jari Arkko (IETF)
Jean-Jacques Subrenat (ALAC)
Joseph Alhadeff (ICC/BASIS)
Jon Nevett (gTLD Registries)
Kavouss Arasteh (GAC)
Keith Davidson (ccNSO)
Keith Drazek (gTLD Registries)

Lars-Johan Liman (RSSAC)
Lynn St Amour (IAB)
Manal Ismail (GAC)
Martin Boyle (ccNSO)
Mary Uduma (ccNSO)
Michael Niebel (GAC)
Milton Mueller (GNSO)
Mohamed El Bashir (ALAC)
Patrik Fältström (SSAC)
Paul Wilson (NRO)
Russ Housley (IAB)
Russ Mundy (SSAC)
Wolf-Ulrich Knoben (GNSO)
Xiaodong Lee (ccNSO)

Liaisons:

Elise Gerich (IANA Staff Liaison)
Kuo-Wei Wu (ICANN Board Liaison)

Apologies:

Narelle Clark (ISOC)
Thomas Schneider (GAC)

Secretariat:

Jennifer Chung
Sherly Haristya
Yannis Li

ICANN Support:

ICANN Technical Staff

1. Welcome, agenda, overview of comments received, comment analysis process overview (Chairs)

Cooper gave a high-level overview of the public comments received and started off with general statistics: approximately 157 comments received, 8 received in a language other than English, and referred to [slide 4 for the geographic distribution](#). She noted that there were a large number of submissions that could not be attributed to any region. She stated that many of the commenters are supportive of the general direction of the proposal, and the comments came from a broad range of different stakeholders: from the operational communities (OCs), different parts of the ICANN community, as well as many different groups, organizations and individuals. Cooper noted that critical comments were received primarily from individuals, and several organizations.

Discussion on how to categorize critical comments included differentiating between being against the entire transition of the oversight of the IANA functions away from the US (Subrenat) to a statistics-based categorization about opposition to certain components (Arasteh), and setting aside comments that “don’t have a lot of depth” and “work on more constructive feedback received” (Arkko). Karrenberg, Alhadeff and Mueller advocated using careful and neutral phrasing to accurately categorize comments that may not result in actionable items for the ICG. ICG members noted instances where ‘take no action’ may be the conclusion for comments that are “outside of [ICG] operational remit and scope” (Alhadeff, Karrenberg), comments that have already been dealt with in the OCs, and comments that “reject the legitimacy of the process or...the entire premise of the transition” (Mueller).

The ICG collectively agreed to acknowledge all comments received and proceed with a theme-based analysis – synthesizing a narrative explanation, instead of providing an individual response to each comment. Cooper illustrated potential ICG actions in response to comments ([slide 6](#)). She also highlighted that the ICG will need volunteers to summarize different parts of the ICG analysis coming out of the face-to-face meeting, including writing text to summarize the public input received in the ICG report section of the proposal. [See Action Item 1](#).

2. Determine general support for moving forward (Chairs)

As a basis for moving forward, Cooper asked the ICG: “Do the fundamentals of the proposal have broad community support?” ICG members agreed it was premature to ask this prior to detailed analysis of the comments and agreed to move the discussion about this question to the end of Day 2.

3. Comment analysis: - Jurisdiction (Boyle)

Boyle gave an overview analysis of the jurisdiction issue raised in the comments ([slide 10](#)):

- There were 17 comments that made direct reference to jurisdiction issues.
- [Four general assertions](#) arose from the preliminary analysis of the comments:
 1. Proposal is flawed for giving up US government control
 2. Proposal is flawed for leaving US government with jurisdictional and legislative authority over ICANN and IANA, not making them subject to international law/jurisdiction
 3. Discussion about ICANN’s legal jurisdiction should continue in the future
 4. Support for proposal’s existing treatment of jurisdiction
- Additional points raised in the 17 comments include questions about being subject to international law in regards to the need for the IANA function to be more globalized; the impact on ccTLDs; the need for the IANA function to stay in the US; and that IANA function is a US owned asset.

Discussion:

- Boyle and Arasteh confirmed that CCWG-Accountability will be conducting detailed analysis of jurisdiction post-transition. ICG members agreed that discussing jurisdiction is out of scope for the ICG, and should be deferred to the appropriate community processes in CCWG as part of their work stream 2.
- Mueller noted that “while it is clear that a significant group of commenters is against keeping PTI or ICANN within U.S. jurisdiction, it wasn’t clear that the people [in CWG] developing the proposal had any viable alternative that would have commanded any kind of consensus.”
- Santos clarified that the Brazilian Government ([submission 115](#)) has addressed the jurisdiction issue in paragraph 4 by way of reference to a 20 May position paper that he [circulated to the internal-cg list](#). Mueller requested the incorporation of the Brazilian Government comment to CWG-IANA into the ICG matrix. Barrett, Arasteh, Karrenberg, Niebel and Ismail agreed with the request, adding that it should be by referencing the submission to CWG-IANA.

- Alhadeff pointed out that there was a uniform misunderstanding of jurisdiction in the comments, and suggested it would be helpful for the law firms retained to advise CWG/CCWG to produce a document explaining jurisdiction to laymen.

Boyle summarized the discussion and the agreed actions as follows:

- The ICG to incorporate by reference the Brazilian Government input to CWG-IANA
- The ICG to add text in the part zero of the ICG proposal highlighting the range of comments related to jurisdiction, making reference to the CCWG-Accountability's draft and stating the expectation that the CCWG-Accountability will be doing a more detailed work on jurisdiction in its work stream 2 post-transition. [See Action Item 3.](#)

- PTI and related bodies (St. Amour)

St. Amour gave an overview analysis of the PTI and related bodies issues raised in the comments ([slides 11-16](#)):

- Three fundamental issues raised:
 1. PTI as an ICANN affiliate does not offer meaningful separation or oversight
 2. An internal ICANN solution is preferred
 3. A multistakeholder organization should perform IANA functions.
- Additional issues include calls for clarity or details on the following items:
 - The RIRs' and IETF's contractual relationship with the PTI/details of the actual contract
 - Additional details in each of the operational communities' proposals
 - The selection process for CSC and IFR
 - Remit of PTI/PTI Board, including composition (whether stakeholders and constituencies are fully represented), selection process, and location of incorporation
 - Separation processes, including details on escalation processes (risk assessment on whether the potential to have three separate IANA Functions Operators (IFOs) causes a security and stability risk, OC coordination), dispute resolution processes

Discussion:

- Arasteh pointed out that there were questions both from the comments and from the ICG webinars regarding why the PTI was the solution, and explained that this was the product of extensive discussions in the CWG-IANA process, legal advice, and narrowing of solutions from seven solutions to one.
- Regarding comments that highlighted concerns that the operational communities' proposals were developed as three separate proposals, Alhadeff, Karrenberg, Mueller, Arkko posed that the ICG as a coordinating body of the three OCs needs to give a clearer explanation that the communities have been well-coordinated in producing the proposals.
 - Cooper concluded that the ICG proposal is missing an explanation of how the three OCs and the three proposals operate as a collective. As a general process, Cooper proposed distilling questions from the public comments and writing down explanations based from the three OC proposals that have not yet been articulated in the ICG proposal. She added that the ICG also needed to forward comments to the OCs for their attention, as well as formulate requests for clarification that required a response from the respective OCs.
 - Mundy and Arkko added to Cooper's suggestion and proposed that the ICG also categorize questions that fall under implementation. Alhadeff agreed and qualified it with implementation prior to transition, and implementation post-transition.
 - A sub team consisting of St. Amour, Gerich, Fältström, Alhadeff, Niebel, and Ismail was formed to go through the comments under this topic, and make recommendations as to how the ICG should address the comments. [See Action item 4.](#)
- Karrenberg observed two approaches emerging from discussion. The first is a formal approach of forwarding matters not in the ICG's remit to the operational communities. The latter is a more proactive approach of adding explanations to the combined proposal, and making concrete

suggestions and asking for confirmation from the OCs. He stated his preference for the latter. ICG members supported the proactive approach.

- St. Amour highlighted that there were many comments asking for the restriction of PTI remit and a great variety of suggestions concerning the composition and selection of the PTI board.
 - Arasteh responded that this was discussed extensively in CWG-IANA, and suggested that the ICG should refrain from commenting and send the related comments to CWG-IANA.
 - Mueller agreed that the consensus solution of the PTI (including details of composition and selection) was reached in CWG-IANA after much discussion and compromise.
 - Boyle clarified that a point that was made repeatedly was that IANA does not have a policy-making role, it simply implements the policy. He further added that this is a very important limitation on the role of the PTI.
 - Barrett stated that the narrow scope of PTI is clear, and explained his interpretation of the issue raised in the comments was that the narrow scope of PTI should be enforceable.
 - Alhadeff concurred.
 - Gerich suggested that a question about the scope of PTI needs to go back to the protocol parameters and numbers communities, instead of CWG-IANA because CWG-IANA is the one that proposed the creation of PTI and thus has clearly defined the scope of PTI for the names community.
 - Arkko stated that the IETF is clear in regards to wanting to continue to contract with ICANN, and the relationship with PTI is an implementation detail.
 - Cooper noted that the ICG has already received a statement from the CRISP team that reaffirms that the numbers community will continue to contract with ICANN.
 - Cooper noted that the scope of PTI interactions with the OCs is only detailed in the diagram, and concluded that the ICG needs to add explanatory text. [See Action Item 2.](#)

- Root zone maintenance (RZM) and administration (Mueller)

Mueller gave an overview of RZM issues raised in the comments ([slide 17-18](#)):

- A broad range of comments noted that:
 - The actual process for RZM was not specified
 - NTIA had initiated a non-open process for resolving RZM issues
 - NTIA had solicited a proposal from ICANN and Verisign without asking for public comment
- These comments requested various specific actions such as:
 - Intervention by the ICG to request an SSAC review of the plan
 - Verifying operational communities' approval of the plan
 - Developing the IFO-RZM agreement through a multistakeholder process

Discussion:

- Cooper stated that RZM has been explicitly left out of the ICG process by NTIA. She noted that other than CWG-IANA, the other OCs did not deal with RZM. She suggested that the ICG can refer these comments to NTIA.
- Fältström in his capacity as SSAC chair stated:
 1. Anyone can request SSAC to look at things related to the security and stability of the identifiers.
 2. It is in the SSAC charter to look at these issues in general and can do so without being prompted.
 3. There are proposed changes in the [ATRT2](#) to the bylaws for ICANN to take recommendations from the advisory committees into account. In the CWG proposal, there is a proposed architectural standing committee to look at RZM matters. Fältström pointed out the possibility of conflicting recommendations from these two paths, and noted there are questions as to what the resolution process would be.

- Fältström also emphasized that SSAC, as one of the chartering organizations for CWG, has approved the CWG-IANA proposal.
- Mundy speaking in his SSAC capacity, pointed out a comment from SSAC that the original NTIA announcement indicated there would be further information from NTIA about the Verisign cooperative agreement, however this has yet to emerge. He commented that it is difficult for the ICG to describe the questions on the RZM as outside the ICG remit. He stated that SSAC has made a statement that there needs to be an agreement with the appropriate parties ([SAC 069](#)).
 - Cooper questioned and Mueller confirmed that [this proposal](#) produced by ICANN and Verisign is not the aforementioned agreement.
- Alhadeff proposed that the ICG highlight that the RZM issues are relevant to the security and stability question which is in turn relevant to ICG work; however the RZM is also specifically outside the topics the ICG is asked to consider. Alhadeff suggested that the ICG point to the ongoing work in other places to resolve this open issue.
 - Arasteh, Mundy and Boyle concurred.
 - Cooper supported this proposed direction. She suggested capturing the concerns that have been raised to ICG in part 0 of the ICG proposal. [See Action Items 5](#).
- Drazek stated that the ICG has recognized from the beginning that RZM was out of scope for the group. He further stated that the NTIA had identified that “aspects of the IANA functions contract are inextricably intertwined with the Verisign cooperative agreement (i.e., authoritative root zone file management), which would require that NTIA coordinate a related and parallel transition in these responsibilities” in the [related FAQ](#) to its [March 2014 announcement](#). He also posted the link to the [proposal submitted to NTIA by ICANN and Verisign](#) referred to in the [17 August NTIA blog post](#).
- Davidson noted that [submission 123](#) (InternetNZ) states that ICANN must not become the RZM. He further stated that if the discussion between Verisign and ICANN results in ICANN taking over the RZM, then some submitters would withdraw their support for the transition.
 - St. Amour, as the reviewer for [submission 123](#), agreed that the ICG needs to consider the suggestion of whether the final transition proposal should further clarify the separation of the RZM role and the IFO.
 - Cooper asked whether the requirement of an agreement between the IFO and RZM implies that the IFO and RZM are separate entities. She suggested that the ICG forward [submission 123](#) or the essence of it to CWG-IANA.
 - Mueller stated that CWG-IANA design team F, has discussed this issue but did not come to a definite conclusion. He agreed that the ICG could ask CWG for clarification. [See Action Item 6](#).
- Regarding the RZA process, Alhadeff mentioned that the Swedish Government input ([submission 87](#)) disagreed with discontinuing the RZA role. Drazek clarified that the RZA is a clerical function and that NTIA has stated that they intend to cycle out of this administrative role. Boyle stated that there was a lot of discussion in CWG about this, and it was a clear and positive decision that the authorization role not be maintained in the CWG-IANA proposal.
- Due to time constraints, the ICG agreed to continue discussion of the RZM issues on Day 2. [See Action Item 5, 7](#).

4. Dependency on CCWG, timeline (Chairs and liaisons)

Drazek reported that there was [one CCWG-Accountability call](#) since the [last update he delivered to the ICG during ICG call 22](#). He stated that was a commitment in CCWG-Accountability to take a careful analysis of all the submitted public comments. He highlighted a possibility that the delivery of the CCWG proposal to the chartering organizations by ICANN 54 Dublin may not be a viable target.

Arasteh stated that the ICANN board alternate proposal was sent to the CCWG on [11 September](#) detailing a Multistakeholder Enforcement Mechanism (MEM) model. He mentioned that a [matrix](#) was

included to indicate areas of support, support with changes, and elements the ICANN board does not support with respect to the [CCWG-Accountability 2nd draft proposal](#). Arasteh mentioned that it is uncertain whether CCWG will have a third public comment period, and the situation may become clearer after the [CCWG face-to-face meeting scheduled for 25-26 September](#).

Discussion:

Cooper highlighted the point to be discussed is the implication of these developments to ICG's timeline and process. She reiterated [her statement made during ICG Call 22](#) that the ICG aims to wrap up in ICANN 54 Dublin. Considering the upcoming interaction between the ICG and the OCs based on the outcome of the current meeting, Cooper emphasized the need for the ICG to set deadlines for when the ICG needs to hear back from the communities.

- Karrenberg, Alhadeff, Arkko, Uduma, Housley, Niebel viewed that the ICG should proceed as planned with regards to timeline and work.
- Alhadeff raised two issues for ICG carefully consider: firstly, whether the input received during the public comment causes significant changes for the ICG; and secondly, whether the CCWG developments will impact the dependencies listed in CWG-IANA's proposal and substantially change this proposal. Alhadeff contended that both scenarios could lead to changes in the ICG proposal and require a second ICG public consultation.
- Arkko stated the ICG needs to be very clear about where the ICG is in its process, and what parts depend on other community processes.
- Arasteh stated that the impact of the different views between CCWG-Accountability and ICANN on the ICG's work is not major. He listed the five areas of concern with respect to CWG-IANA (and by extension the ICG): ICANN budget, ICANN board, ICANN bylaw, fundamental bylaw, and independent review panel (IRP).
- Alhadeff and Uduma highlighted the breadth of comments received that focused on the dependencies and the fact that the ICG proposal as incomplete without these being met, thus the ICG needs to confirm with CWG as previously agreed. Ismail, St. Amour and El Bashir concurred.

Cooper concluded that, barring the need for another public consultation (to be confirmed at the close of the current meeting), the ICG will proceed with its work towards ICANN 54 Dublin. She reconfirmed that the ICG will communicate with CWG in Dublin when there will be more information on the CCWG progress.

5. Comment analysis - IANA IPR (Boyle)

Boyle gave an overview analysis of the IANA IPR issues raised in the 20 (approx.) comments that touched on this topic ([slide 21](#)):

- Suggestions that the development of the CWG-IANA discussion on this topic needs to go back out for public consultation (change being the CWG-IANA acceptance of the CRISP proposal as a basis for a solution)
- Legal implications of an independent holder of intellectual property under trademark law/holder of the trademark must engage in actions to maintain the trademark
- Ensuring accountability of IPR holder for providing a service/providing equitable access
- Impact assessment for the proposal
- Issues of shared resources/rights of different communities to edit or change the registries
- Ownership of the IPR of registries/who owns that IPR

Discussion:

- Gerich clarified that the content of the registries is public and not owned by anyone.
- Cooper stated other than the comments from INTA ([submission 110](#)) and CENTR ([submission 83](#)), other issues raised in the comments are considered implementation issues by the OCs.

- Arkko conveyed that the OCs have agreed that the holder of the IPR should be an independent party with the ability to defend the trademarks if used inappropriately. He concurred with Cooper that this is considered an implementation issue, and noted that these points should be stated in the ICG proposal.
- Alhadeff and Cooper commented on the IPC input ([submission 125](#)) phrasing “neutral” “container”. Cooper stated that this phrasing is confusing as it does not appear in the ICG proposal, and concluded that the requirements on the behavior of the IPR holder are to be dealt with as an implementation issue. Boyle confirmed that he included this issue as his second overview point.

Cooper proposed to do the following in part 0: reflect the updated status from CWG-IANA in terms of their acceptance of the IPR solution in the combined proposal; and explain that the discussion of implementation raised by the commenters, are already underway in the OCs. [See Action Item 8.](#)

- ICG Criteria: Completeness (Q1) (Mueller)

Mueller gave an overview analysis of the ‘completeness’ issues raised in the comments ([slides 24-25](#)):

- Many comments called for the finalization of CCWG-Accountability work stream 1.
- IFO-RZM agreement is perceived as a gap in the proposal (discussed earlier in [agenda item 3](#))
- Further clarification requested for: the interaction between the numbers and protocol parameters communities with PTI (SLAs with ICANN); the handling of IANA IPR
- Support dependent on implementation levels and timing (pre or post-transition)
- A third of the comments stated that the proposal is complete enough to be evaluated against the NTIA criteria.
- A few comments said the whole proposal is too complicated.

Discussion:

- Alhadeff noted that the majority of comments that raised the issue of the dependencies as a reason the proposal is incomplete did not opine on whether the resolution of the dependencies is sufficient to satisfy the completeness criteria.
- Alhadeff clarified that there is a further distinction of what commenters were asking for pre-transition – some specifically called for documentation to be complete, and others were satisfied with a commitment to the framework and parameters of the documentation (bylaws).
 - Arasteh added that prior to 3 September, the CCWG had aimed to have the text of the bylaw changes and fundamental bylaw ready by 16 July 2016.
- Karrenberg proposed that the ICG formally address the dependencies issue, clarify the expected process and communicate it with CWG-IANA.
- Davidson noted that both [submission 83](#) (CENTR) and [submission 123](#) (InternetNZ) stated that service level expectations must be in place prior the submission of ICG proposal. He requested this be added to [slide 24](#).
- In response to Mueller’s query, Davidson responded that [CWG-IANA Design Team A](#) were close to formalizing the SLEs. Davidson further noted that the ICG should consider if these can be appended to the CWG-IANA proposal once formally received by the ICG.

Cooper concluded that the ICG needs to update part 0 based on the ‘completeness’ discussion.

Discussion of the role of the ICG during implementation:

- Cooper stated that the ICG needs to be more comprehensive in listing which elements in the OC’s proposals are expected to be completed in the implementation phase.
 - Gerich stated it would be useful if the ICG could provide guidance for the prioritization of the implementation list due to the finite resources of the IANA department. She stated that part of the ICG’s charter is to see if the three OC proposals are compatible. She added that “even though there are no glaring incompatibilities on paper, the mutual goal to hit a timeline for transition may not be able to accommodate all the requirements each proposal

is requesting.” She stated her understanding that one of the ICG’s role is to facilitate cross-community communication.

- Mueller and Drazek agreed with Gerich’s suggestion of having the ICG facilitate cross-community communication due to a finite amount of time and resources.
- Cooper agreed there may be some need for the ICG to help the communities talk to each other in the implementation phase, but did not perceive it as significant.
- Alhadeff and Arkko stated that the ICG should be deferring to the OCs who are in the best position decide on prioritization.
- Karrenberg stated that the ICG should communicate the implementation concerns raised to the OCs, but added that the ICG should not be doing a detailed implementation plan as this is outside the ICG’s remit.
- St. Amour, Arasteh disagreed with the ICG being a facilitator in this context.
- Wilson stated that the ICG’s remit was to produce the proposal, and further stated that RIR CEOs did not have the impression that the ICG would be involved with this level of implementation.

Cooper noted that there is an agenda item on Day 2 to discuss ICG’s role during implementation and stated that the discussion of this topic will continue on Day 2.

6. Day 1 wrap-up (Chairs)

The ICG agreed not to make the matrix and the slide deck stable reference points, and just use it as a tool to facilitate the face-to-face meeting analysis and discussion. Cooper further noted that all the calls for edits to the matrix and slide deck will be noted in the minutes but the action items will not be assigned.

Summary of Action Items:

1. **Cooper to write up summary of comments in general, e.g. statistics, general support or opposition, etc. by 27 September.**
2. **Cooper to add the expectation of numbers and protocol parameter community in regard to the scope of PTI in the part zero of the proposal by 27 September.**
3. **Boyle to draft text summarizing comments and highlighting concerns received re jurisdiction to include in Part 0 of the ICG report for ICG review by 27 September.**
4. **Sub-team (St.Amour, Gerich, Fältström, Alhadeff, Niebel, Ismail) to go through the set of topics discussed re PTI, and determine disposition of comments and make recommendations on how the ICG should address the comments for Day 2 discussion.**
5. **Mueller to consider how to summarize comments and highlight concerns received concerning RZM/IFO agreement and report back on Day 2.**
6. **Mueller to review CWG proposal text concerning whether ICANN can be the RZM and if it is not clear, draft a request by 27 September for clarification to the CWG.**
7. **Mueller to suggest ICG action concerning outstanding RZM issues on Day 2.**
8. **Arkko to draft text by 27 September for Part 0 indicating updated status of CWG on IANA IPR and noting that items raised in comments are being dealt with as implementation details.**