Fifteenth IANA Stewardship Coordination Group (ICG) Teleconference

13:00 – 14:00 UTC, Wednesday, 22 April 2015

Meeting agenda and archives

Participants:

Alan Barrett (NRO)	Keith Drazek (gTLD Registries)
Alissa Cooper (IETF)	Lars-Johan Liman (RSSAC)
Daniel Karrenberg (RSSAC)	Lynn St. Amour (IAB)
Demi Getschko (ISOC)	Martin Boyle (ccNSO)
Hartmut Glaser (ASO)	Mary Uduma (ccNSO)
Jandyr Ferreira dos Santos (GAC)	Michael Niebel (GAC)
Jari Arkko (IETF)	Narelle Clark (ISOC)
Jean-Jacques Subrenat (ALAC)	Paul Wilson (NRO)
Jon Nevett (gTLD Registries)	Russ Housley (IAB)
Joseph Alhadeff (ICC/BASIS)	Russ Mundy (SSAC)
Kavouss Arasteh (GAC)	Wolf-Ulrich Knoben (GNSO)
Keith Davidson (ccNSO)	Xiaodong Lee (ccNSO)

Liaison:
Elise Gerich (IANA Staff Expert)

Apologies:

Kuo Wei Wu (ICANN Board Liaison)	Mohamed El Bashir (ALAC)
James Bladel (GNSO)	Patrik Fältström (SSAC)
Milton Mueller (GNSO)	Thomas Schneider (GAC)
Manal Ismail (GAC)	

Secretariat:	**ICANN Support Staff:**
Jennifer Chung	Eric Evrard
Sherly Haristya	

Agenda

1. Minutes approval - 8 April call minutes

- Cooper and Subrenat requested the Secretariat to add the revised Call #14: Action Item 2 into the 8 April minutes for clarity.
  - o *Adobe Connect chat*: Clark agreed to approve the 8 April minutes with the edit.
- Arasteh requested an edit of the first bullet point on page 3 of the 6 February (ICG Meeting #4) minutes.
  - o Cooper noted that these minutes were already approved and published, but asked the Secretariat to make the change and re-publish.

2. Discussion of overlaps/implications of the CWG proposal for the other two proposals we've received from the RIRs and IETF

- Boyle introduced the rough outline of the model that will underpin the Names proposal (as circulated to the CWG-IANA by legal advisors Sidley Austin LLP, see: http://mm.icann.org/pipermail/cwg-stewardship/2015-April/002814.html)
  - o The Post Transition IANA (PTI):

- There will be a legal separation between ICANN and the IANA functions operator (the PTI). The PTI will be an affiliate/subsidiary of ICANN.
- In the case of a breakdown of service provided by the PTI, the IANA functions could be re-tended.
- The ownership right of the IANA functions would remain with ICANN as the contracting party. In this case, ICANN is taking the role of the NTIA.
  - The Customer Standing Committee (CSC):
    - The CSC will monitor the contract progress, looking at complaints and whether service level commitments are being met.
    - The CSC's primary role is to work with the PTI to resolve these issues.
    - If the issues cannot be resolved, the CSC will be able to report these to the ccNSO and/or GNSO who could then decide on further steps.
  - The Periodic Review Function (PRF) (later renamed IANA Function Review (IRF))
    - The IRF will be the mechanism for monitoring the overall performance of the IANA Functions operator. This mechanism will be for looking at improvements needed, and adapting to the changing environment.
    - The IRF will meet every five years similar to the Affirmation of Commitment reviews but would be embodied in an ICANN Bylaw.
    - The IRF will report to the [ICANN Board]. The [ICANN Board] would have the responsibility for implementing recommendations from the IRF, and would then use that to adjust its contract with the PTI.
    - The ccNSO and or GNSO could request a special report looking specifically at issues from the CSC or community. If the review showed action needed to be taken and ICANN did not take it, then the ccNSO and/or GNSO would report up to the accountability mechanisms currently being discussed by the CCWG-Accountability.
- In regards to the general outline of the interaction with the multi-stakeholder communities and its implications provided in Mueller's summary sent to the internal-cg list, Boyle highlighted the following for the ICG to consider:
  - The compatibility of the general framework of the CWG draft proposal, particularly in relation to points 2.1.1 and 2.1.2 of Mueller's note regarding the options for the IETF and RIRs to engage with the PTI subsidiary or directly with ICANN.
  - The operational communities (and the ICG in their assessment) to consider relationship lines between their proposals and Names proposal: regarding the changing role of ICANN, the role of the IANA functions operator, and their MoU or other contractual relationships.
  - The CWG-IANA has agreed that the authorization function of the NTIA for the Names community would no longer be needed – authorization of significant structural changes (i.e. changes that led to DNSSEC). CWG-IANA has draft language, but no final identification of who and how they would authorize any such changes.
- Boyle noted that the Names proposal will be put out for public consultation starting on 22 April and ending on 20 May, and after the proposal goes through an approval process with the chartering organizations of the CWG-IANA, the final proposal is expected to be submitted to the ICG on 25 June.

Clarifying Questions:

Cooper invited the ICG members to pose any clarifying questions related to the Names proposal:

- Karrenberg pointed to the three circles labeled 'direct customers' leading up to the CSC and asked for clarification if it is the expectation of the CWG that the other operational communities would be directly involved in the proposed scheme. Karrenberg stated that at first glance it looks to him like there are no incompatibilities on the proposed diagram because the other operational communities could just interface with the PTI.
  - Boyle clarified that the work CWG-IANA has done was for the Names community, and CWG-IANA did not feel they had ability to speak for the other operational communities. With respect to input from the other operational communities, Boyle stated he expected some input in shaping the PTI Board; finding a workable problem-resolving mechanism to interface with the PTI; and whether the communities would maintain the current relationship with ICANN or to have a relationship with the PTI. Boyle concluded that it is a matter of workability to meet the objective of each community.
    - Karrenberg responded that the CSC is the Names proposal's suggestion, that the other proposals have similar elements, and for the ICG to not muddle this distinction.
- Niebel stated that the traditional model was that the customer communities have a contractual relationship with ICANN. In the case of the Names community, Niebel asked whether there is any contractual relationship; how the legal relationship is constructed; with whom it is constructed to guarantee the level of service or obligation; and whether the obligation is contractual or an undertaking by the PTI.
  - Boyle replied that the gTLDs and a very small number of ccTLDs have contracts with ICANN and he expected these relationships to stay in place. However, since both will become customers of the PTI, questions need to be resolved regarding whether part of the relationship in the existing contracts would have to be devolved from ICANN into the PTI. Boyle further noted that the bigger problem that there is no anticipation for the vast majority of ccTLDS that do not have relationships (contractual or otherwise) with ICANN. Boyle stated that it would remain an obligation applied by ICANN on the PTI, and the PTI would continue to provide a service to ccTLDs that are not members of ICANN.
- Arkko referred back to Karrenberg's question and clarified several points from the IETF's point-of-view:
  - First, the IETF wants to keep their own mechanisms. IETF will have its own contract, and mechanisms for change and termination. The IETF is happy to work with the PTI structure, and does not rule out participation in the PTI board, but it does not make the IETF contracts or accountability mechanisms unnecessary.
  - Second, Arkko stated that his initial sense is that the PTI structure is reasonably compatible with the IETF's proposal. Arkko stated that the IETF does not want to renegotiate its contracts – he stated that the existing contracts are between the IETF and ICANN and the IANA department does the actual work. Arkko stated that if the model is analogous to this, the contract is with ICANN, but the people empowered to do the work is the PTI, then he thinks it is doable without changing anything between the IETF and ICANN.
  - Third, he agreed with Mueller's view in section 2.1.2 regarding receiving consensus proposals from the communities. Arkko stated that the time to change any the proposal is when it is formed in the communities, and not after the fact.

- ▪ *Adobe Connect chat*: Davidson asked Arkko if it "means that the IETF wishes to keep the idea of separately being able to terminate their contract with ICANN for the IANA function?"
  - • *Adobe Connect chat*: Arkko responded that the IETF tries to "do right thing for the Internet" which includes continuing with existing arrangements, ensuring stability, and working with the other two communities. Arkko noted that termination would be highly unlikely, given the excellent service the current IANA team provide. Arkko confirmed that the IETF would like to keep options provided by existing contracts.
  - • *Adobe Connect chat*: Housley asked Davidson if he sees a problem with the IETF keeping the current contract arrangement?
    - o *Adobe Connect chat*: Davidson responded "not really a problem - but NTIA suggests that anything which threatens to split the IANA functions would be difficult for them to accept - so the idea that Protocols, Numbers or Names would have independent right of contract termination maybe troublesome to NTIA?"
      - ▪ *Adobe Connect chat*: Housley replied that he is not sure whether or not NTIA would be concerned about the possibility of a split of contract functions.
- • In response to Arkko, Boyle stated that the CWG-IANA does not see any incompatibilities with the other proposals, and does not seek to tell the other communities what their relationships should be - the communities have to work this out, but it is recognized in the CWG-IANA discussions that the communities might decide in the future that they want to separate from the wider grouping. Boyle noted that, there is nothing in the CWG proposal that goes against that.
- • *Adobe Connect chat*: Barrett asked whether the Names community envisages that the Numbers and Protocol Parameters communities should contract directly with PTI, or with ICANN. Barrett stated that he thinks it could be made to work either way.
- • As the ICG has discussed earlier with the other communities about the IPR, trademark of IANA, and IANA.org, Cooper asked whether the Names proposal has any mentions regarding that in the eventuality there could be a separate IANA Functions operator.
  - o Boyle said that he could send further reference on the work of the IPR related team to the internal-cg mailing list. ([Email exchange regarding IPR](#))
- • Mundy asked if Boyle could speak to how closely the Names proposal addresses section 1 and 2 of the ICG's RFP regarding the request to describe the current arrangements. From the diagram and the current call, Mundy noted that it deals almost exclusively with accountability and there is nothing about the ongoing functional activities.
  - o Boyle pointed that the first two sections of the Names proposal plus the annex address the ongoing activities point by point. He stated that the CWG also conducted discussions on the current activities and whether those need to stay or be amended. Boyle explained that he didn't mention it because these discussions were done a long time ago and was done with very little controversy.
    - ▪ Mundy further commented that if there are distinct and separate accountability and legal arrangements [proposed by] the three operational communities, then it will be more challenging for the ICG to assess and reach a conclusion on whether it results in incompatibilities or if it will function separately. Mundy urged the ICG to consider this implementation issue.
- • Cooper asked for comments from the ICG members regarding the two tasks the ICG can take on to help the process of coordinating a proposal consistent across the three communities:

- First, if the ICG would like to collect an informal list of issues and questions to send to the other communities for them to consider and comment on during the public comment period for the Names proposal (such as Mueller's memo, and issues discussed on the call regarding contracting with ICANN vs the PTI, composition of the PTI Board, architectural issues, authorization of new features and functionality in IANA, and the IPR).
- Second, as Knoben raised on Adobe Connect chat – whether the ICG wants to do a preliminary assessment of the draft Names proposal during the public comment period. If so, then the ICG will need volunteers to review the draft proposal based on the ICG proposal assessment framework, flag and discuss items that may get caught up in the ICG assessment process to provide feedback for the CWG-IANA.
  - Alhadeff asked whether the ICG should ask the two other communities to provide the ICG any feedback on where they might see any conflicts with their proposals because it would help eliminate some question/answer cycles.
    - Cooper stated that the other operational communities can submit that directly to the CWG-IANA, but it would be helpful for the ICG to receive it as well.
- Arasteh stated that he expected that the ICG would have invited the co-chairs of CWG-IANA to present the draft output from the Names community rather than anyone else because there may be misunderstandings, misinterpretations, or personal interpretation. Arasteh noted that he heard contradictions between Boyle's presented points and the CWG-IANA's document to be published. In particular Arasteh noted that Boyle stated that ICANN would assume the current role of NTIA. Arasteh stated that Boyle was correct with respect to the 4 April version of the document, but in page 22 of the document to be published for public comment, it is mentioned that the CSC has been established to perform the appropriate requirement previously performed by US Department of Commerce. Arasteh further stated that the document referred to by Boyle has no status and is a [memorandum from the legal advisors to the CWG-IANA](#) and that the actual valid document will be the output from the CWG-IANA.
  - Cooper noted Arasteh's input into how the ICG should structure the calls. Cooper thanked Boyle for the useful summary presented. She clarified Boyle's point regarding who holds the contract with IANA – in the presented model on the call, ICANN will hold the contract with the PTI and is replacing the NTIA in that sense. Cooper further suggested that the ICG can continue the discussion on who should present which topic on the internal-cg mailing list.
- Subrenat raised a general remark on jurisdiction to be considered by the ICG. He noted that the creation of the PTI Board as the subsidiary of ICANN would be maintained in the US jurisdiction under California Law. Subrenat requested the ICG to keep in mind possible questions of jurisdiction on a wider scale. He suggested that the ICG could consider proposing two other levels of responsibility based on a more international jurisdiction, that the PRF (IRF) and/or the CSC as an oversight body (not having operational responsibilities like the PTI) could be constituted under Swiss Law in Geneva to gain wider acceptability around the world.

Due to the limited remaining call time, Cooper noted the questions posted on [Adobe Connect chat](#) and said that the ICG members could pose remaining questions and continue discussion on the internal-cg mailing list. Cooper stated that she will also collect the potential issues and questions that the ICG might want to send to the other operational communities.

Action Item:
1. **Cooper to collect an informal list from the ICG within this week of questions and issues to send to IETF/RIRs to flag for them to comment on the Names proposal during the public comment period.**

3. Future call schedule

- Cooper stated that the ICG is not currently planning to have calls in May. However, she stated that a call can be scheduled at the end of May, if the ICG members want to provide preliminary feedback to the CWG-IANA on the Names proposal before the end of the public comment period.
- Cooper confirmed that in regards to the face-to-face meeting in Buenos Aires, the ICG does not plan take any formal decisions or come to any formal conclusions for the Names proposal or the complete proposal itself.
  - o There were no objections from ICG members on the call to Cooper's confirmation above.

Summary of Decisions Taken:

1. **8 April minutes: Secretariat to add the revised Action Item 2 in the minutes per Subrenat and Cooper. Approved and post after amendment.**
2. **6 February minutes: Secretariat to amend Arasteh's statement on page 3 first bullet point to "...expressed his doubt with respect to the statement from...". Approved and re-publish after amendment.**
3. **Any outstanding questions related to the CWG-IANA proposal from the call to be sent to the ICG mailing list for further discussion.**
4. **No plans to have ICG calls in May, can be scheduled if necessary at the end of May if there is activity on mailing list or if there are volunteers to do an initial review of the Names proposal out for public comment.**
5. **No plans to take any formal decisions/conclusions re CWG-IANA proposal at the ICANN Buenos Aires meeting.**

Summary of Action Item:

1. **Cooper to collect an informal list from the ICG within this week of questions and issues to send to IETF/RIRs to flag for them to comment on the Names proposal during the public comment period.**