**IANA CWG Public Comments Key Excerpts, 8 January 2015**

The RySG team supporting the IANA CWG prepared the following tables during its review of the public comments. They contain quotes and/or brief descriptions from the public comments that the team thought were especially pertinent. The team in no way believes that this collection of excerpts and descriptions is thorough and complete; we have found it helpful in our work and thought we would share it with the full CWG in case it is helpful for others. This collection of comment excerpts and descriptions is not intended to be a substitute for reading the full comments, which we did when we created this.

Note:

* Comments were numbered chronologically by date submitted as recorded in the Comment Forum at <http://forum.icann.org/lists/comments-cwg-naming-transition-01dec14/> starting with 1 for the first comment submitted up to the latest, 59.
* In each of the tables, the excerpts and comment descriptions are ordered by comment number and hence by the date and time submitted.

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**General Excerpts & Comments**

| # | From | Date/Time | Excerpt/Description |
| --- | --- | --- | --- |
| 1 | Page Howe | 2 Dec 2014 09:26:12 | “The US role in the oversight has been an effective mix of public participation holding the prominent role, a private entity tasked with some responsibilities, and a free government with a freedom based constitution in an oversight and checks and balances role. I would hate to see this perfect record end because of the speculation, that a better system might exist, to please actors who have their own interests in change. First an assumption is being made the current system needs change. The assumption was not based on the public's view, but on that of a certain number of participants, in non-permanent roles.” |
| 3 | Graham Schreiber | 12/2/2014 13:44 | Supports NTIA exercising its options to extend until a law suit is resolved. |
| 10 | Richard Hill | 12/9/2014 16:18 | "The existing separation between ICANN as a policy body and ICANN as the IANA Functions Operator needs to be reinforced and strengthened." |
| 11 | Namibian Network Information Centre | 12/15/2014 5:32:02 PM | “We believe it requires ICANN to negotiate contractual agreements with each incumbent ccTLD Manager (and, of course each new, incoming one). This would be quite different from the gTLD situation since there are existing rights involved, and the IANA Function Manager can not use a One-Fits-All model and/or a Take-It-or-Leave-It approach. Rather the IANAN Function Manager will have to enter into proper negotiations with each ccTLD Manager. We strongly believe that negotiations with ccTLD Managers will be neither a difficult nor a long drawn out process if they followed the Framework of Interpretation2 with particular reference to restraints on the IANA Function Manager against unilateral decisions. Until these contracts are finalized, we feel strongly that ICANN and the multistakeholder process will be best served by ICANN stating that the current status quo with regard to each individual ccTLD will be maintained and that no unilateral decisions will be taken.” |
| 12 | ALAC | 12/16/2014 0:58 | The ALAC included some suggestions for the Accountability CCWG. They are not included in this document unless they specifically relate to the IANA CWG. |
| 14 | BRG | 12/18/2014 11:54:47 AM | “If a registry does take issue with an action or decision taken by the ICANN Board or Staff, there are limited and conflicted means of redress. Brand registries are therefore concerned with the potential for inconsistency. . .” |
| 14 | BRG | 12/18/2014 11:54:47 AM | “Accountability needs to be more robust than at present. ” |
| 15 | INTA Internet Committee | 12/18/2014 19:13 | “ INTA continues to urge ICANN and the ICG to manage the transition at a slower pace to enable all stakeholders to have an adequate and meaningful opportunity to provide feedback during the planning of the IANA functions’ transition.” |
| 16 | U.S. Council for International Business | 12/18/2014 19:54 | “As this process continues, we recommend initial comment periods of four weeks, with a reply comment period of two weeks.” |
| 16 | U.S. Council for International Business | 12/18/2014 19:54 | “. . we want to highlight that the structure currently in place that carries out the IANA naming functions has been working well, supporting the stability and security of the network. Hence, we should ensure we take full account of what is working and not establish a completely new system unless it will be an improvement.” |
| 16 | U.S. Council for International Business | 12/18/2014 19:54 | “USCIB supports the U.S. Government’s transition of its stewardship role over IANA functions and has actively commented on the transition as well as the broader ICANN Enhancing Accountability process. In all of those previous submissions, we underscored the importance of fully implementing *and* stress testing broader ICANN organizational accountability mechanisms before proceeding with the IANA transition plan. . . . We also support the recent remarks of Lawrence Strickling, Assistant Secretary of Commerce for Communications and Information, in which he stated that, “[t]he two work streams on the IANA transition and enhanced accountability are directly linked and NTIA has repeatedly said that both issues must be addressed before any transition takes place.” However, we feel the CWG should strengthen this link further by requiring a pre-transition stress test to ensure that the process is robust and effective and would not result in unintended consequences or burdens that would threaten the functionality, stability, and interoperability of the Internet.” |
| 16 | U.S. Council for International Business | 12/18/2014 19:54 | “. . . this process should not be unduly rushed with issuance of an incomplete, flawed, and potentially destabilizing proposal. There is no need for such haste in view of repeated statements by Assistant Secretary Strickling that September 30 is a “goal.” The NTIA contract can and will be renewed if the development of appropriate transition and accountability mechanisms are not completed by then. We should take the necessary time and apply the necessary detailed attention to do this right. The security and stability of the Internet and the broader Internet-enabled economy depend on this level of care and attention.” |
| 17 | Kieren McCarthy | 12/19/2014 16:03 | “. . the CWG overall has spent far too much time considering the edge cases  and pondering the bigger picture and far too little time understanding what  actually happens within the names aspect of the IANA contract. . . . As a result of imaging all possible scenarios, the CWG has developed an over-engineered proposal that is process-heavy and could prove to be an unnecessary drag on the actual functioning of the IANA contract. . . . In short, there is no need to create what would effectively be a new NTIA for the IANA functions.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “The CWG has had all calls in English without the option of translations. All working documents have also been circulated only in English. The transcripts of sub-groups have not been translated even *after* the meetings concluded. This has been at the exclusion of the non-English speaking participants. It is suggested that the transition proposal should explicitly recognise this limitation to allow proper assessment of community participation in the CWG. The CWG proposal should explicitly recognise that the distinction between “members” and “participants” not only includes *consideration of consensus* but also includes *reimbursement of travel expenses*. It is suggested that the transition proposal should explicitly recognise this distinction between stakeholders to allow proper assessment of *barriers* to non-ICANN community participation in the CWG.” |
| 24 | Guo Feng (CAICT) | 12/22/2014 17:56 | Accountability should be in place first, two work streams need to keep pace. |
| 36 | SIDN | 12/22/2014 20:18 | “Stability is therefore the main driver for our following comments and suggestions. Besides that, we seek safeguards with respect to the quality of service that we as registries need to receive, at the same time making sure that the IANA function remains a strictly administrative function and that the proposal does not create policy.” |
| 36 | SIDN | 12/22/2014 20:18 | “This is clearly highly controversial for ccTLD’s as there is currently no obligation to pay for the IANA services. SIDN however pays ICANN on a voluntary basis a significant amount of money for amongst others the IANA services, and expects that it will continue do so after the oversight transition. At the same time SIDN would also want to have substantial influence on the budget of IANA and the height of its contribution. In our opinion this is rather a CSC than a MRT matter.” |
| 40 | Chris Disspain (auDA) | 12/23/2014 8:37 | Recommendation that both the CWG and the ICG deadlines be extended to allow the various parts of the community to discuss the issues at ICANN 52 in Singapore. |
| 40 | Chris Disspain (auDA) | 12/23/2014 8:37 | Final framework that is selected and implemented needs to be both extremely transparent and as “lightweight” as possible, which this proposal is not. |
| 40 | Chris Disspain (auDA) | 12/23/2014 8:37 | “. . . it needs to be possible for the IANA function to be moved to a new operator.  This can be achieved by the creation of a ‘Golden Bylaw’, similar to the concept that exists in the corporate world of a golden share (<http://en.wikipedia.org/wiki/Golden_share>). The Golden Bylaw would give the TLD registry operators the right, in certain circumstances, to require ICANN to put the IANA function out to re-bid.” |
| 41 | Rita Forsi, Italian Gov’t | 12/22/2014 22:00 | “Regarding the ccTLD, it’s essential that the overall robustness and stability of the global Internet as well as the security and stability of the domain name system should be maintained. At the same time, the most minimal impact on ccTLDs national sovereignty must be fully guaranteed, with particular reference to the delegation and re-delegation decisions.” |
| 46 | IPC | 12/22/2014 17:31 | Transition cannot take place until accountability process completed. “. . history has revealed ICANN’s institutional inertia favoring maintaining the status quo and failing to implement new or improved accountability mechanisms in the absence of external pressure.” |
| 47 | Nominet | 12/22/2014 23:05 | Key elements of transition need to be transparency and accountability |
| 49 | RySG | 12/22/2014 23:34 | “The delay by ICANN in acknowledging that the NTIA stewardship transition and accountability discussions were inter-related has resulted in the issues to be discussed under the two processes being conflated.” |
| 49 | RySG | 12/22/2014 23:34 | The “needs and interests as Registry Operators in the IANA Stewardship Transition are summarized as ensuring the following:  • Excellent performance of the IANA Naming Functions against established service levels for implementing changes to the Root Zone continues in the post-transition landscape;  • Continued reporting by the IANA Functions Operator in the post-transition landscape to provide transparency in the performance of the IANA Naming Functions;  • Continuing objective application of community-developed policies by the IANA Functions Operator;  • Protection of the ICANN multi-stakeholder model for policy development for the generic namespace by preventing the interference in, or reopening of, established policies by an IANA oversight body;  • Continued post-transition availability of operational oversight tools such as external audits to monitor the performance of the IANA Naming Functions; and  • A lightweight transition model, providing the requisite oversight and accountability without becoming so cumbersome as to undermine the timely execution of the IANA Naming Functions, or introduce unneeded costs to its customers.” |
| 50 | Graeme Bunton | 12/22/2014 18:39 | “Unfortunately, as many others will undoubtedly note, the timing of the Accountability CWG and it’s work has created needless complexity and unanswered questions for the Naming CWG.” |
| 51 | Kurt Pritz | 12/22/2014 16:42 | “A prerequisite for the implementation of this alternative proposal is successful implementation of Accountability measures” |
| 52 | Center for Democracy and Technology | 12/23/2014 0:14 | “The IANA transition work cannot be disassociated from the work of enhancing ICANN's accountability. At the same time we cannot depend on accountability changes at ICANN to ensure the IANA function’s accountability or integrity. CDT sees both independent oversight and separability of the IANA contract on the one hand and enhancements to ICANN's accountability on the other as desirable, indeed essential, to ensuring appropriate levels of accountability and performance.” |
| 53 | CBUC | 12/23/2014 01:01:50 | “structural accountability improvements will have to be agreed before the transition can take place.” |
| 53 | CBUC | 12/23/2014 01:01:50 | “…need to do the IANA transition and accountability processes in tandem” |
| 54 | Mary Uduma (NIRA) | 12/23/2014 2:00 | “We support the adoption of the contract contents of the NTIA contract except for C2.1 dealing with exclusive country location of the IANA function operator to USA based company or organization. It is our considered opinion that this clause be deleted in the MoU.” |
| 58 | Danish Business Authority | 1/7/2015 8:03 | IANA and ICANN are central institutions in the administration of one of the world’s critical infrastructures and therefore have the responsibility for a global public good and for acting in the global public interest. Stewardship for the IANA functions to the global multistakeholder community and the Enhancing ICANN Accountability processes are important steps in enhancing global legitimacy into the management of the DNS. |
| 59 | European Commission | 1/6/2015 2:02 | “In the case that it becomes apparent that the 30 September 2015 deadline is not met, we would wish to propose an alternative or holding arrangement, for when the extension of the contract is inevitable.” |

**General Excerpts & Comments about the Proposal**

| **#** | **From** | **Date/Time** | **Excerpt/Description** |
| --- | --- | --- | --- |
| 10 | Richard Hill | 12/9/2014 16:18 | Suggests a lot of very specific edits to the proposal |
| 12 | ALAC | 12/16/2014 0:58 | The ALAC lists the following as ‘Missing Components’ of the proposal:   * “. . who, on a day to day basis, will be responsible for ensuring that policy is adhered to . . .” * “. . if some part of ICANN notices that there is a problem, they must have standing to take action within ICANN (in a world where ICANN no longer has a connection with IANA).” * “In the new model, even if the GNSO were to notice a problem (and they are not staffed to do so), they would have no standing whereby they could take action.” * Regarding redelegations: “It seems that some parties believe that the IAP is sufficient to rectify any problems, but others feel that the NTIA “backstop” function must be replaced, and it is far from clear how that can be done. In the ccTLD space, the Framework of Interpretation may make redelegations less subject to problems, but in the gTLD space, where such redelegations may have very high financial values attached to them, there must be some level of control.” |
| 12 | ALAC | 12/16/2014 0:58 | “The Contract Co. entity should be eliminated and the assignment of IANA should be made by the NTIA to ICANN. This will drastically reduce the cost one-time and ongoing costs of the transition.” |
| 12 | ALAC | 12/16/2014 0:58 | “The Accountability CCWG should be charged with ensuring that the objectives associated with the Contract Co. can be met within the ICANN structure.” |
| 12 | ALAC | 12/16/2014 0:58 | “In addition to the MRT, and IANA Support Organization could be established. Conceivably, with suitable powers, the IANA Supporting Organization (ISO?) could be one and the same organization. But that would presume that an entity within ICANN could be given the necessary authority.” |
| 12 | ALAC | 12/16/2014 0:58 | “Changes with respect to IANA would be subject to advance notice, public comment and MRT approval, and would require significant Board voting thresholds (percentage of those voting for a change and/or absolute number of votes required.” |
| 12 | ALAC | 12/16/2014 0:58 | “. . . there should be “standard operating procedure” way of catching most such errors without resorting to the appeals process.” |
| 12 | AlAC | 12/16/2014 0:58 | “Ongoing monitoring ensuring that IANA is adhering to policy is an essential part of any transition. In the ALAC proposal, this could be done with relation to names/root zone by some combination of the appropriate SOs (with suitable staff support), since they are the ones that have created the policies, the MRT, the CSC (with suitable MS components added), or an IANA Support Organization if that were to be created. The Accountability CCWG would no doubt need to ensure that they had standing to take action on perceived violations.” |
| 13 | Dean Papa | 12/17/2014 4:11:00 AM | “What methodology will you be following and which suggested Framework will you follow with the development of your security policies? (NIST/800) (cyber security framework)What type of contingency plans do you have in place if the primary platform & infrastructure goes down (either by malice or in error)? What compliance standards will your org follow? (ISO27002 / FISMA / NERC ) How do you plan to govern this global platform? Who will be responsible for security aud Security Posture? I look forward to your reply” |
| 14 | BRG | 12/18/2014 1:54:47 AM | “Any possibility of forum shopping or confusion as to where decisions are made must be avoided.” |
| 15 | INTA Internet Committee | 12/18/2014 19:13 | “We are generally supportive of the proposed allocation of the NTIA’s current functions among Contract Co., the Multistakeholder Review Team (MRT), and Customer Standing Committee (CSC). However, it is important for INTA to point out that the composition of these groups, which has not been determined, will be key to allowing INTA to fully and finally evaluate this proposal.” |
| 15 | INTA Internet Committee | 12/18/2014 19:13 | “. . . it is not clear whether IANA will dedicate personnel who are not involved to a significant extent in other non-IANA duties. In this regard, we note that the Contractor is to provide IANA with a budget sufficient to hire independent legal counsel, and we wish to understand how that separation from the existing General Counsel’s office will be effectuated.” |
| 15 | INTA Internet Committee | 12/18/2014 19:13 | “. . given Verisign’s long history of administering the root zone management (RZM) functions, we request greater detail on what factors might require its replacement by a successor organization.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “. . I advice caution against creating new entities that are the subject of political ambition and result in the creation of a parallel ICANN. Adequate care should be taken to restrict the growth dynamics of the new entities.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “The term of the IANA Functions Contract should be 3+2+2 i.e. an initial duration of three years with two options of renewal of two years each. The renewals should be at the discretion of the MRT. There should be a mandatory RFP at the end of the contract term. Only for the purpose of the stewardship transition, ICANN should be allowed to retain IANA for an initial period of two years (Sept 2015 to Sept 2017) after which RFPs should be conducted periodically.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “There needs to be predictability in the IANA Functions Contract. Therefore, the jurisdiction of the Contract Co and the jurisdiction of the IANA Functions Contract should be a country/state where contract law and corporate law is well developed. It is also recognised that one of the objectives of the NTIA announcement is the globalisation of the stewardship. Therefore, as token recognition of globalisation, the jurisdiction of the Contract Co should not be the United States. Switzerland is a neutral country with well developed contract law and corporate law; and it is suggested as the preferred jurisdiction for Contract Co.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “The Contract Co should be  ◦ reimbursed/indemnified for all expenses (both legal and administrative expenses) by the IANA Functions Operator as part of the IANA Functions Contract; and  ◦ financed by a crowd-funded 'Internet Freedom Corpus' where individuals and Governments should be allowed to voluntarily contribute.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “The by-laws (or the articles of association) of the Contract Co should explicitly delegate contract related authority to the MRT. Precaution should be taken to ensure that the by-laws of the Contract Co can not be easily modified resulting in capture of Contract Co by a rouge board. I suggest that a subgroup within the CWG-Stewardship should produce a draft template of the proposed by-laws, as it will be help the global community to better understand the (i) relationship between Contract Co and MRT; (ii) the scope of activities to be performed by Contract Co.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “*Silence about Cooperative Agreement*: The proposal is silent about the post-transition arrangement for the Cooperative Agreement between NTIA and Verisign. I suggest that post-transition, the Cooperative Agreement should be signed between Contract Co and Verisign. The MRT should be delegated the authority of monitoring the Cooperative Agreement. Elements of the Cooperative Agreement that relate to the registry functions of Verisign (in contrast to the root zone functions) should be removed from the Cooperative Agreement and be transferred to a direct contract between ICANN and Versign. It should be left to the future MRT to decide whether the Cooperative Agreement should be merged with the IANA Functions Contract.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “. . . I suggest that the proposal should explicitly recognise that the role and scope of the four entities may be changed by CWG-Accountability even after CWG-Stewardship submits its formal response to the RFP to the ICG in January. Placeholder text at the appropriate places will allow the global community to correctly judge and assess in an informed manner the nature, width and growth dynamics of the new entities proposed to be created. . . The CWG is requested to separately delineate the CWG's role and the ICG's role in coordination between the two proposals.” |
| 40 | Chris Disspain (auDA) | 12/23/2014 8:37 | Favors an approach where a mechanism is based within ICANN, but is protected by Bylaw provisions and other structural changes. |
| 41 | Rita Forsi / Government of Italy | 12/22/2014 22:00 | Supports the creation of a commission dealing exclusively with technical issues related to the day-by-day work could improve the efficiency of the overall process. Before the transition takes places, the boundaries within the CSC should operate must be defined in a clearly and unambiguous way. |
| 42 | Andrew Sullivan | 12/22/2014 17:04 | “Section 3.1 of the proposal includes this principle: "The proposed replacement solution should not seek to create another ICANN-like structure with associated costs and complexities." This is a laudable  principle and I support it unreservedly. Unfortunately, I think the proposal as written, were it to be followed, all but guarantees the creation of such a structure.” |
| 42 | Andrew Sullivan | 12/22/2014 17:04 | Feels the creation of the CSC and MRT violates the principle that no new structure will be created that sub-plants the NTIA role. |
| 42 | Andrew Sullivan | 12/22/2014 17:04 | Makes some suggestions regarding background information related to the definition of delegation, DNSSEC keys, and RFC 1591 history. |
| 43 | Akinori  MAEMURA, JPNIC | 12/23/2014 7:05 | “If there should be posting in advance with objections or opinions accepted, the detail implementation  should include effective means to avoid unqualified ones to keep the changes in a reasonable process duration.” |
| 44 | Simon Maarten, SIDN | 12/22/2014 22:11 | We not only feel that the proposed new structure contains issues that prove difficult to solve, but are first and foremost convinced that an internal-to-ICANN solution, based on enhanced accountability, is not only possible, but easier to develop and implement as it builds onto what has been successfully developed by the community over the years. |
| 44 | Simon Maarten, SIDN | 12/22/2014 22:11 | Replicating the external NTIA like structure, the proposal seems to be based on a strong lack of trust in the current ICANN structure and more specifically the accountability of the CEO and board. Instead of focusing on the necessary enhancement of the existing accountability structure, the proposal tries to find a solution in setting up a completely new structure. |
| 45 | AFNIC | 12/22/2014 23:17 | Proposal needs to be simplified. Should pick one of the following three options: 1) status quo, contact co. contracts with RZM, or IANA operator contracts with RZM. |
| 46 | Claudio di Gangi, IPC | 12/22/2014 17:31 | The proposed framework, establishing Contract Co., the MRT, the CSC and the IAP requires balanced representation of non-registries and private sector interests to ensure effective operational and technical oversight of the IANA Functions. |
| 47 | Grace Abuhamad, Nominet | 12/22/2014 23:05 | Proposes modifications to the ICANN Bylaws instead of creating new entities. |
| 47 | Nominet | 12/22/2014 23:05 | “We do not believe that all of the (NTIA) roles need to be replicated. In particular, some of the identified roles – and in particular the role of authorising changes to the root-zone file – might no longer be needed. Others are very simple checks on process or on deliverable.  For the role of authorising changes to the root-zone file, we would note the liability risk for the entity carrying out authorisation.” |
| 48 | ALAC | 12/22/2014 23:33 | Supportive of ICANN-based solution with new Board accountability mechanisms and a doomsday capability. “. . . a suitable transition proposal will include the following: IANA responsibility awarded to ICANN; New Board accountability to ensure that multistakeholder community can initiate action if dissatisfied with IANA performance; Independent Appeal process to address perceived errors; Doomsday capability to reassign responsibility if all else fails.” |
| 49 | Keith Drazek, RySG | 12/22/2014 23:34 | “In bifurcating the IANA Stewardship Transition Process and the Accountability Process, ICANN has essentially forced the CWG-IANA to develop an overly complicated proposal, which will inject more bureaucracy into a technical process that everyone agrees functions effectively today. Instead of trying to address accountability concerns through the IANA Stewardship Transition Process, we urge ICANN to formally link these two processes to ensure that the work moving forward takes into account equities from 3 | P a g e  both processes so that in the end the community, ICANN, and NTIA have two well informed and robust plans to ensure the Internet’s continued growth and evolution.” |
| 49 | Keith Drazek, RySG | 12/22/2014 23:34 | “The current proposal does not adequately recognize Registry Operators as direct customers of the IANA functions and the importance of a satisfactory and reliable IANA service to their businesses. ccTLD and gTLD Registry Operators are well placed to assume NTIA’s responsibility for the technical and operational oversight of the IANA Naming Functions Operator. Any decision to replace the current IANA Functions Operator should be supported by Registry Operators.” |
| 49 | Keith Drazek, RySG | 12/22/2014 23:34 | “Transitioning the IANA Naming Functions outside of ICANN could be costly and disruptive to registry operators and their customers, and should only be undertaken as warranted by persistent issues of non-performance. The parties best equipped to identify these issues and make performance-based decisions in the context of a rebidding process are the direct customers of the IANA Naming Functions: gTLD and ccTLD Registry Operators.” |
| 49 | Keith Drazek, RySG | 12/22/2014 23:34 | “The IANA Functions Contract provides the NTIA a critical technical oversight role, which we propose should be retained in the form of an Operational Oversight Council (OOC). In order to protect individuals and attract the most qualified experts, the OOC will be a lightweight, incorporated entity. Decisions and actions of the OOC would be carried out by two subsidiary entities: the Operational Oversight Board (OOB) and the Multi-stakeholder Advisory Committee (MAC). The OOB and the MAC would have well-defined compositions and responsibilities, . . .” |
| 50 | Graeme Bunton | 12/22/2014 18:39 | “…we firmly believe that the separation of the IANA Functions Operator  from ICANN remain a possibility, and as such a solution purely internal to ICANN is  unacceptable.” |
| 50 | Graeme Bunton | 12/22/2014 18:39 | “We should note here that the role Registries play with respect  to the IANA functions affords them a unique view and special interest. Their pivotal place,  and the importance of the IANA functions to their business (and subsequently ours) should  afford Registries increased representation and oversight throughout the transition proposal. In  general, it would seem sensible to afford the contracted parties an elevated role in the  oversight of the IANA functions.“ |
| 51 | Kurt Pritz | 12/22/2014 16:42 | “Replace only what needs to be replaced, and develop new entities only when necessary. Use existing multi-stakeholder mechanisms wherever possible. While the CWG is authorized to create the IANA oversight model, independent, non-policy making bodies should implement it. Existing ICANN organizations can work together to monitor the new model without creating new, permanent organizations.” |
| 51 | Kurt Pritz | 12/22/2014 16:42 | “There should be a strong renewal presumption in the IANA-function services agreement, based upon performance. If performance goals are met or if corrective action is taking place, the contract will be renewed” |
| 52 | Center for Democracy and Technology | 12/23/2014 0:14 | “proposal is one that encompasses some important key principles, including: 1) independence of IANA function operator oversight; 2) separability of the IANA contract from the IANA functions operator; 3) a clear commitment to and structures that reflect multistakeholder principles; and 4) a desire to see a non-capturable, neutral and robust IANA going forward.” |
| 52 | Center for Democracy and Technology | 12/23/2014 0:14 | “separation of ICANN as a policy body and ICANN as the IANA functions  operator is essential and this, in our view, can be reinforced through the ability to remove  the contract from ICANN should that separation be proven elusive and/or be abused.” |
| 52 | Center for Democracy and Technology | 12/23/2014 0:14 | “replacement should not recreate a “mini” ICANN and that oversight should be as simple and as effective as possible” |
| 52 | Center for Democracy and Technology | 12/23/2014 0:14 | “periodic rebidding is the right approach to ensuring stability, accountability and predictability… rebidding should not be too short as to incur uncertainty nor too long as to encourage complacency.” |
| 53 | CBUC | 12/23/2014 01:01:50 | “The proposal would create too much in the way of new structures…[which] creates both opportunities for capture and opportunities for forum shopping. |
| 53 | CBUC | 12/23/2014 01:01:50 | “…concerns are exacerbated by uncertainty around the jurisdictional home of the Contract Co. and choice of law for the contract between the Contract Co. and ICANN as the IANA functions operator.” |
| 53 | CBUC | 12/23/2014 01:01:50 | “the CWG framework is largely a blueprint that lacks critical detail.” |
| 54 | Mary Uduma (NIRA) | 12/23/2014 2:00 | “We are interested in seeing the separation of IANA function operator from ICANN without creating several new legal entities similar to ICANN. The principle of separation is a welcoming one and should be upheld as the basis of the proposal. However, we expect changes to be as minimal as possible, speaking from ccTLD point of view. Replacing the NTIA oversight function with 4 different entities looks too wielding from the perspective of what really is being transited “ |
| 56 | Jorg Schweiger (DENIC) | 12/26/2014 5:48 | “The sparse policy related role can and should be removed from the remits of the organisation(s) to incept, leading to a simplistic function with no need to address any (ICANN) accountability questions as no policy decisions are being taken by neither, the IFO or the organisation(s) to incept as substitute to NTIA.” |
| 56 | Jorg Schweiger (DENIC) | 12/26/2014 5:48 | “the proposed PRT, CSC, ConCo should be "collapsed" into a single body, constitued of (direct) IFO customers, e.g. cc- and gTLD representatives.” |
| 58 | Danish Business Authority | 1/7/2015 8:03 | With regard to the Draft Proposal, we believe the outline of four new structures is a good starting point. However, we should strive to develop a regime, which is as lightweight as possible. There is still much work to be carried out and it will be of outmost importance to pay careful attention to the details when developing the proposal further. As an overall principle it is paramount that the new regime has inbuilt independence. As such, it must be ensured that the regime has adequate independent checks and balances as well as review and redress mechanisms. Another important part of this work is to ensure that the new institutional setup does not allow for any form of capture. |
| 58 | Danish Business Authority | 1/7/2015 8:03 | Believe it is important to strengthen the separation of ICANN’s policy function and the IANA operations. Moreover, a mechanism should exist that allows for a transition of the IANA functions from ICANN, if this is deemed necessary in the future. A fundamental element of the current governance structure is the possibility of awarding the contract to another entity and this should be continued in the new setup. |
| 59 | European Commission | 1/6/2015 2:02 AM | “We would favour a globally inclusive functional structure, providing independent checks and balances, with clearly defined and not over complex division of tasks between the **Multistakeholder Review Team[[1]](#footnote-1)** (MRT), the **Clients Steering Committee** (CSC), the **Independent Appeals Panel** and the **Contract entity**.” |
| 59 | European Commission | 1/6/2015 2:02 AM | “Any of the changes suggested would need a legal framework and basis. The current proposal seems under California law and needs to be assessed under that jurisdiction. However, it is not clear that the suggested model would be compatible with California law (at least regarding not for profit corporation regulation).” |

**Comments about the CSC**

| **#** | **From** | **Date/Time** | **Excerpt/Description** |
| --- | --- | --- | --- |
| 10 | Richard Hill | 12/9/2014 16:18 | “I don't understand why both a CSC and an MRT  are needed. Couldn't the CSC perform the functions of the MRT? And why shouldn't the CSC consist of all users of the names part of the IANA function, that is all the registries? The CSC could constitute the membership of "Contract Co.", which could conveniently be created as a Swiss non-profit association (that is an extremely light weight structure).” |
| 12 | ALAC | 12/16/2014 0:58 | Regarding the CSC the ALAC says:   * “If the CSC is restricted to making mechanical decision on IANA performance, the current proposal may well work. The ALAC believe that regardless of the function, there should be a substantive multistakeholder component.” * “The description of the CSC says that it will take over the NTIA responsibility of reviewing Ss. Later in the draft proposal, it says “Contractor shall submit its recommendations to the [[CSC] or [MRT] or [RZM1] or [Independent Evaluator]] via a Delegation and Redelegation Report.” Certainly if the CSC is largely populated by registry operators, there is no reason to believe that they are the proper authority for this task. More on this later.” * If the CSC were to be tasked with monitoring adherence to policy, it MUST have a very significant multistakeholder component. . . . it could be to in the interest of registries, who did not want the policy in the first place, to have IANA not follow it. The body that monitors that policy is carried out, if it is comprised of some stakeholders, must have a composition comparable to the body that set the policy.” |
| 14 | BRG | 12/18/2014 11:54:47 AM | “BRG recommends that membership is restricted to registries to avoid duplication with the MRT.” |
| 15 | INTA Internet Committee | 12/18/2014 19:13 | “. . additional information is needed in regard to the process to be followed by the IANA contractor for delegation or redelegation of a ccTLD or gTLD, both as to which entity shall receive such a report and how the relevant policy framework will be considered.” |
| 17 | Kieren McCarthy | 12/19/2014 16:03 | “Allow the proposed Customer Standing Committee (CSC) - the actual users  of the naming functions - to address issues directly with the IANA contract  operator rather than require it to go through the MRT. Allow the CSC to decide whether to go to the proposed IAP is there is an issue that cannot be resolved. Allow the CSC to decide whether it is needed to create a (temporary)incarnation of the MRT to address a specific topic or issue by limited what the CSC is allowed to do in terms of creating new policies. . . . Do not require the CSC to develop service levels through the MRT. The MRT has no inherent knowledge or stake in this process and should stay out of the way.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “. . I advice caution against creating new entities that are the subject of political ambition and result in the creation of a parallel ICANN. Adequate care should be taken to restrict the growth dynamics of the new entities.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “*Structure*: It is suggested that CSC need not be a separate entity but a sub-group within the MRT. The charter of the MRT should enable the creation of a standing committee (as a subgroup) for day-to-day oversight of IANA. This will be in sync with the principle that the otherwise bulky MRT will be operating through smaller sub-groups.  • *Role and Composition of CSC*: Will the CSC only be escalating issues related to performance deviation or also issues related to policy deviation? It is suggested that the CSC also be tasked with the job role of escalating issues related to policy deviation. In this case, it is suggested that the composition of CSC should be multi-stakeholder and not be dominated by the registry stakeholder group. In the case that CSC is only tasked with performance deviation, the composition of CSC can continue to be dominated by the registries.  • *CSC Composition*: The CSC members should preferably be drawn from the MRT so that there is coordination between CSC and MRT on matters that are escalated.  • *Funding of CSC*: It is suggested that the CSC be indemnified by Contract Co for all its expenses.  • *Term of CSC*: It is suggested that CSC have a continuous existence with 1/3 members retiring on a rotation basis.” |
| 24 | Guo Feng (CAICT) | 12/22/2014 17:56 | Role of monitoring service levels should be handled by ccTLD and gTLD registries |
| 40 | Chris Disspain (auDA) | 12/23/2014 8:37 | Support the establishment of a committee that will specifically deal with the service level agreements and performance indicators associated with the execution of the IANA function. It is possible that liaisons from other SO/ACs may participate in the committee’s work, however they should not represent a significant proportion of the its structure. |
| 42 | Andrew Sullivan | 12/22/2014 17:04 | “. . . since the CSC's relevant communities are by definition the same as part of the NSOs', it is hard to see how the appearance of self-dealing could ever be avoided complete.” |
| 42 | Andrew Sullivan | 12/22/2014 17:04 | CSC already exists in the form of the ccNSO and. It will be drawing from the same pool of people. |
| 44 | SIDN | 12/22/2014 22:11 | Should only be composed of registry operators and should be lightweight. “The CSC nor the MRT nor an independent certification from a counsel should have a role with regard to ccTLD delegation and redelegation request. What might help in this respect is the publication by IANA of the complete intended delegation/redelegation decisions for public comment prior to taking the final decision.” |
|  | AFNIC |  | Only direct customers of the IANA naming functions should be represented. Role should be focused on setting technical SLAs and reviewing IANA technical performance. |
| 47 | Nominet | 12/22/2014 23:05 | The nature of the CSC – representing the customers of the IANA naming functions – should be clearly limited to service level commitments, performance indicators and quality assurance. As such, while we see benefits from the Committee adopting open and transparent processes, possibly including liaisons from other communities, we would question the reference to including “additional individuals with relevant expertise.” We would be concerned about extending the mandate of the CSC to receive and review delegation and redelegation reports, as appears to be suggested later. |
| 48 | ALAC | 12/22/2014 23:33 | Supportive but has problems with composition and specific duties. Feels there should be a substantive multistakeholder component which would monitor IANA policy and practice. |
| 55 | Christian Dawson | 12/23/2014 0:55 | “recommend limiting the scope of the CSC to naming issues only” |
| 55 | Christian Dawson | 12/23/2014 0:55 | “It should be technical in nature and limited to a review of policy implementation” |
| 55 | Christian Dawson | 12/23/2014 0:55 | “membership should be limited to direct customers of the IANA naming functions (gTLD and ccTLD operators) and related experts as that group sees fit” |
| 53 | BC | 12/23/2014 01:01:50 | “BC supports incremental changes proposed to establish a customer service committee” |
| 54 | Mary Uduma (NIRA) | 12/23/2014 2:00 | “CCs as direct customers to IANA should have direct oversight on how its policies are being implemented on delegation and re-delegation, root zone changes, etc. For this, we support the proposal of CSC as long as every ccTLD has a say on:  (1) how the oversight is carried out,  (2) respect to national laws and public policies,  (3 ) monitoring of performance by the IANA function operator.” |
| 58 | Danish Business Authority | 1/7/2015 8:03 | Given the role and nature of the CSC, governments should not have a seat. However, robust checks and balances should be put in place. The group should publish all decisions. |
| 59 | European Commission | 1/6/2015 2:02 | “As long as the role of the **CSC** has a purely technical nature and is a mere day-to-day supervision, it seems there is no need that States governments have a seat there and it makes sense that the “customers” of the services provided by the IANA operators supervise this latter on a day-to-day basis. As long as the MRT/PRT has a right of initiative to address problems involving other interests or conflicts not raised by the CSC, it should not be a problem that the CSC is only made up with “customers” but a liaison with the other parts of the multistakeholder community would be useful. Nevertheless, it should be foreseen that the members of the CSC may not receive instructions from the registry they come from in the exercise of their functions and duties as CSC members; they have to enjoy an adequate degree of independence in the exercise of their missions, in order to avoid potential undue influence from registries. What is important is that the CSC and the MRT/PRT may not depart from the “default settings” in a way that may have a policy implication, without instruction/authorization of the multi-stakeholder community.” |

**Comments about the MRT**

| **#** | **From** | **Date/Time** | **Excerpt/Description** |
| --- | --- | --- | --- |
| 10 | Richard Hill | 12/9/2014 16:18 | “I don't understand why both a CSC and an MRT  are needed. Couldn't the CSC perform the functions of the MRT?” |
| 12 | ALAC | 12/16/2014 0:58 | Regarding the MRT, the ALAC says:   * “Quite simply, if the MRT cannot be assured to be 100% reliable, the entire model collapses.” * “It is unclear what entity or entities is envisioned as convening the MRT, establishing who is and is not an eligible stakeholder, how that evolves over time, whether the participants are remunerated or not and who funds it.” * “In a scenario where Contract Co is compelled to separate IANA from ICANN, there is little reason to believe that ICANN would continue participating, or indeed if Contract Co. (and the MRT) would want and trust ICANN to play this role if the intent is complete separation.” * “Whoever convenes the MRT may consciously or unconsciously impact how MRT decisions are made based on the mix of stakeholders allowed to participate. . . .” * “Another unknown about the MRT is just what sort of entity it is. It will be referenced in Contract Co.’s articles of Incorporation and/or its Bylaws as the entity which will give Contract Co. its instructions and perform most of the work associated with Contract Co. It has not been specified just what this relationship is – a contract, a Memorandum of Understanding?” * “One possible option that removes this unknown is to have the MRT as a component part of Contract Co. But at that stage, Contract Co. is no longer a bare-bones entity and in fact has become a mini-ICANN, soothing that we were trying to avoid. So we are back with a large question mark here.” |
| 12 | ALAC | 12/16/2014 0:58 | “Changes with respect to IANA would be subject to advance notice, public comment and MRT approval, and would require significant Board voting thresholds (percentage of those voting for a change and/or absolute number of votes required.” |
| 12 | ALAC | 12/16/2014 0:58 | “In extreme cases, the MRT could require mandatory divestiture of IANA, with the same ultimate effect of Contract Co. moving IANA to a new contractor. The MRT would specify the details of such divestiture, and the attributes of the prospective recipient of the IANA functions. If necessary, the MRT could even require the creation of a Contract Co.-like entity, but this would only need to be done if it was clear that ICANN was no longer a suitable vehicle for IANA. This last option provides the separability of ICANN and IANA, but does not build the entire infrastructure required to do so until and unless there is evidence that it is required.” |
| 12 | ALAC | 12/16/2014 0:58 | “The MRT should be convened by ICANN, similar to how it has convened the Stewardship CWG, the Accountability CCWG, and most particularly, the IANA ICG. Convening the MRT under the auspices of ICANN, in conjunction with its ACs and SOs and the I\* family of organizations can ensure that all MSs are covered and treated equitably. Whether the MRT resides within the bounds of ICANN, or is created as an entity external to ICANN is an issue that the Accountability CCWG would have to investigate (depending on which structure would be optimal given any corporate law restrictions).” |
| 12 | ALAC | 12/16/2014 0:58 | “As another way forward, the MRT could be replaced by a dual-pronged vehicle similar to that used by the addressing community. In that case, there is the Address Supporting Organization (ASO) and the ASO Address Council contained wholly within ICANN, and the Number Resource Organization (NRO) external to ICANN. In the case of IANA, there might be an IANA Support Organisation (ISO) and the IANA Resource Organization (IRO). The latter could be established in coordination with the other I\* organizations and would afford a strong measure on continuity should the option of divesting IANA ever be needed.” |
| 14 | BRG | 12/18/2014 11:54:47 AM | “Language in the whole document should recognise the existence today and relevance of representative bodies such as the BRG that exist wholly outside the GNSO and are currently excluded from GNSO by current rules.  BRG notes the composition of this body to create a meaningful decision-making process will be the greatest challenge of the four proposed bodies. BRG cautions against an overly-broad composition that misses the narrow role of this body.” |
| 15 | INTA Internet Committee | 12/18/2014 19:13 | “. . additional information is needed in regard to the process to be followed by the IANA contractor for delegation or redelegation of a ccTLD or gTLD, both as to which entity shall receive such a report and how the relevant policy framework will be considered.” |
| 16 | U.S. Council for International Business | 12/18/2014 19:54 | “. . we support the concept that a new structure may need to oversee various administrative functions set forth in the IANA Functions Contract, which is currently performed by NTIA. And we concur that it is appropriate that direct consumers of the IANA naming functions should be vested with such oversight functions. However, the proposal lacks critical details concerning the composition and selection of the Multistakeholder Review Team (MRT), making it impossible for business to fully evaluate this element of the proposed post-NTIA structure.” |
| 17 | Kieren McCarthy | 12/19/2014 16:03 | “The main piece of feedback I would like to relay is this: the CWG has ended up proposing an unnecessary, bureaucratic and problematic central body in the Multistakeholder Review Team (MRT). I think the IANA functions and the internet in general would be much better served by a more lightweight, less permanent body. By making the MRT a persistent entity and by giving it effective controls over all aspects of the IANA contract, you risk creating a bureaucratic monster driven more by politics and status than good decisions or effective technical functioning.” |
| 17 | Kieren McCarthy | 12/19/2014 16:03 | “The proposal is also not very "internety" as it requires the selection of a small number of representatives who will make key decisions. There is no reason to believe that this will end up producing a better result since very few of the functions that it is proposed the MRT will deal with require considered or in-depth policy review.” |
| 17 | Kieren McCarthy | 12/19/2014 16:03 | “Make the MRT temporary and only cause it to be created upon a specific event rather than act as a standing body. Break it down immediately afterwards” |
| 17 | Kieren McCarthy | 12/19/2014 16:03 | “Allow the CSC to decide whether it is needed to create a (temporary)  incarnation of the MRT to address a specific topic or issue by limited what the CSC is allowed to do in terms of creating new policies. Do not require the CSC to develop service levels through the MRT. The MRT has no inherent knowledge or stake in this process and should stay out of the way. . . . The multi-stakeholder element of control can be introduced as and when it is needed, and only when needed --- when the CSC requests it, or when the contract is up for renewal.” |
| 17 | Kieren McCarthy | 12/19/2014 16:03 | “Follow the system used by the NTIA when it last reviewed the IANA contract: run an open public comment process through the use of open questions (which could themselves be crowd-sourced). Review and repeat back community feedback. Put together a proposition based solely on that feedback and ask for review a second time. In other words, do NOT allow the MRT to become its own decision-making body; keep its power to an absolute minimum and make it only the receiver, collator and reflector of community input.” |
| 17 | Kieren McCarthy | 12/19/2014 16:03 | “Go through all the functions that the MRT is expected to carry out,identify any that would bring with them some kind of status and figure out how to hand those functions over to existing bodies.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “. . I advice caution against creating new entities that are the subject of political ambition and result in the creation of a parallel ICANN. Adequate care should be taken to restrict the growth dynamics of the new entities.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “To every extent possible, MRT should only be the convener of a community process and not be the actual decision-making body. The MRT should have a strict mandate to initiate a cross community process open to the global multistakeholder community for managing the RFP in a transparent and bottom-up manner. The MRT should not be a separate legal entity but a group (without a legal personality) that is organised independently of ICANN and Contract Co. The MRT should be governed by a charter. It is suggested that a draft charter be prepared by a subgroup within the CWG. This draft charter should not be binding on the future MRT. This draft charter is only intended to provide guidance to the future MRT. Such a draft charter will allow the community to better understand the purpose and operating principles of the MRT. This will also help identify the finer details of the MRT which may currently be escaping the CWG's attention.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “I suggest that the MRT be treated as a body with continuous existence. The MRT should require 1/3rd members to retire on a rotation basis (3 years) so that the MRT  has a continuous existence. . . . In this, no person should be allowed to be re-selected on the MRT for a second time. . . . It is suggested that the MRT be kept small in size (maximum size of 20) to avoid creation of a parallel ICANN with high potential to grow. However, it is recognized that MRT may become bulky owing to political considerations. To deal with this, the MRT should organise itself into smaller sub-groups in its operating principles/charter to respond to emergency or time bound escalations. . . . The MRT will require a dedicated secretariat that should be independent of ICANN . . . The secretariat should have (access to) legal resources for performing contract related tasks.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “In the current proposal, it appears that the MRT can only threaten to terminate the IANA Contract in case of non-compliance and performance deviations. It is suggested that other additional instruments should also be built into the IANA Contract to deal with smaller issues. For example, the MRT should be able to impose financial liquidated damages in case certain pre-defined service level flags are set off. These fines should be used to finance the functioning of the Contract Co and MRT.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “It has been proposed that MRT members will not be reimbursed/compensated for travel expenses. This proposal should not be applied towards MRT members from emerging countries resulting in the exclusion of their participation.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “It is suggested that the MRT be indemnified by the Contract Co for all its  expenses. The MRT should not be funded by ICANN as it will raise questions about its  independence.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “The composition of MRT should recognise and reflect that  ◦ not all ccTLDs are a part of ccNSO.  ◦ that there is (numeric) parity between ccTLDs and gTLDs.  ◦ that registries are the primary customers of IANA functions  ◦ that the role of GAC and ALAC is important in bringing diverse cultural perspectives to the table.” |
| 42 | Andrew Sullivan | 12/22/2014 17:04 | Functions will be the same as the ICANN Board and given the MRT's representative nature and responsibility for both budget review and contracts, it is hard to see how MRT could keep out of the business of making policy. “The potential for policy decisions in the MRT that do not align perfectly with name-community policies expressed as ICANN Board resolutions suggests that some sort of conflict resolution mechanism would be needed, as well. This will inevitably lead to requirements for permanent staff, travel and legal services budgets, and so on.” |
| 42 | Andrew Sullivan | 12/22/2014 17:04 | “. . . since the MRT's relevant communities are likely to be very similar to the ICANN Board's, and  . . . , it is hard to see how the appearance of self-dealing could ever be avoided completely.” |
| 43 | JPNIC | 12/23/2014 7:05 | Doesn’t have clear idea how MRT could be separated from Contract Co. This relationship should be carefully examined to ensure stability, or another approach could be to have MRT as the governing board of Contract Co. with sufficient separation of power or check-and- balance mechanism. |
| 43 | JPNIC | 12/23/2014 7:05 | Concerned that MRT decisions will be slow and that the people on the MRT will not be familiar with the technical operations of registry operators and yet will have considerable power. |
| 44 | SIDN | 12/22/2014 22:11 | The role of the MRT should be, as originally proposed, be limited to those situations where the MOU/agreement itself needs to be changed including the situation where IANA non-compliance with the MOU/agreement is such that separation might be necessary. |
| 45 | AFNIC | 12/22/2014 23:17 | Policy making rules which IANA must follow need to be distinct from this organization. Structure should focus on organizing open consultations rather than representing various stakeholders. Any decision regarding reassigning the IANA functions should be made by direct customers of the IANA naming functions. |
| 46 | IPC | 12/22/2014 17:31 | Would not support an MRT which served to re-litigate policy debates. Adequate representation of the private sector within the post-transition stewardship of IANA is necessary for accountability to ensure that the diversity of private sector stakeholder views and interests are reflected, to avoid capture, to provide legitimacy for the entire model and, overall, to ensure the effective oversight and accountability of the IANA Functions by the global multistakeholder community |
| 47 | Nominet | 12/22/2014 23:05 | Feels the MRT is an overloaded committee could easily be dominated by a few well-resourced people or organisations able to devote their time to the work of the MRT. Given the nature of the operation there are also likely to be concerns about good governance and handling of conflicts of interest. |
| 48 | ALAC | 12/22/2014 23:33 | Concerns around make up of group (who establishes who is and who is not eligible to participate, and what type of entity this is. MRT should be convened by ICANN similar to Stewarrtship CWG |
| 49 | RySG | 12/22/2014 23:34 | “Though the exact composition of the MRT has yet to be determined, we envision that a body that provided seats to all interested stakeholders (inside and outside the ICANN community) could end up being large in size and bring into play considerations other than operational performance. With this expanded size and set of interests, the MRT would be more susceptible to external lobbying, or to internal capture, by members that want the body to play a role in influencing or enforcing policies developed within the GNSO and ccNSO and implemented by the IANA Functions Operator. Similarly, the composition of the MRT could be manipulated to enable the goal of some to take the IANA function out of ICANN, regardless of whether the current service levels and operational performance is being undertaken to the satisfaction of its direct customers.” |
| 50 | Graeme Bunton | 12/22/2014 18:39 | “The MRT needs to be robust enough to avoid capture from external forces, while at the same time  lean enough to avoid scope creep.” |
| 50 | Graeme Bunton | 12/22/2014 18:39 | “It’s important that policy development remain within the  existing structures (like the GNSO), and that the MRT remains focused on implementation,  RFPs and rebidding. The spectre of the MRT developing into a parallel ICANN is not one to  take lightly.” |
| 52 | Center for Democracy and Technology | 12/23/2014 0:14 | “MRT is increasingly looking like a permanent structure or organization. When one factors in the ongoing discussions as to how the various constituencies are going to be represented it look increasingly bureaucratic. We need to remind ourselves of the purpose of the MRT – it is about oversight over largely technical and administrative issues related to the performance of the IANA functions. It is not about policy decisions, unless changes that were agreed as a result of those policy decisions have been poorly or inaccurately implemented by the IANA functions operator.” |
| 54 | Mary Uduma (NIRA) | 12/23/2014 2:00 | “NIRA supports the proposed MRT and its functions but without the Contract Co attachment.” |
| 55 | Christian Dawson | 12/23/2014 0:55 | “Granting this much power over a set of technical and implementation  functions to the MRT could allow for capture and re-litigation of already decided non-technical policy decisions…including a broad variety of technical and non-technical stakeholders on a review team that is supposed to supervise purely technical functions could detract from the focus on operational performance and expose the IANA functions to the possibility of interest capture and policy reformulation” |
| 55 | Christian Dawson | 12/23/2014 0:55 | “a large body that includes a variety of interests could also be susceptible to external lobbying” |
| 59 | European Commission | 1/6/2015 2:02 | “Concerning the **MRT**, a main issue to be determined whether its functions would necessitate or benefit from it being established outside ICANN and if it is placed outside ICANN were it should be incorporated and what type of legal entity it should then take.” |
| 59 | European Commission | 1/6/2015 2:02 | “. . . the MRT should be of a global and inclusive nature both in terms of stakeholders and geographical balance, not least to ensure adequate checks and balances. Division of labour and roles between the MRT and the CSC needs to be clearly defined. It is important that the MRT could be able to oversee conflicts not flagged by the CSC. As a multi-stakeholder entity, it is important that it can act by its own (and others) initiative when its attention is drown on conflicts/problems that would not be escalated by the CSC, or when there would be a conflict of interests in the CSC.” |

**Comments about Contract Co.**

| **#** | **From** | **Date/Time** | **Excerpt/Description** |
| --- | --- | --- | --- |
| 10 | Richard Hill | 12/9/2014 16:18 | Provides some recommendations regarding jurisdiction issues. |
| 10 | Richard Hill | 12/9/2014 16:18 | “The CSC could constitute the membership of "Contract Co.", which could conveniently be created as a Swiss non-profit association (that is an extremely light weight structure). In that structure, the MRT would simply be the board of Contract Co., which board would be elected by the membership of Contract Co., that is, by the CSC, that is, by the registries. This approach would be simpler than the one that is outlined in the draft. The "global multi-stakeholder community" would be represented by the registries, which appears adequate to me in terms of the functions that are under discussion here.” |
| 12 | ALAC | 12/16/2014 0:58 | “ The ALAC strongly opposes the concept and implementation of Contract Co. The creation of this entity is driven by the principle of separability – the ability to sever all ties between the IANA function and ICANN. All parties seem to believe that the current service level is high, and that there is no reason to consider such separation at the moment. Given that the price of the service is already zero, the only motivation for moving is that at some time in the future, the service level degrades or that ICANN otherwise mismanages or attempts to manipulate IANA. The ALAC believes that the Accountability CCWG can introduce changes to ICANN to ensure that such problems can be remedied without having to risk a transition to a brand new and untested IANA service to manage the Root Zone and without risking having to break the IANA Root Zone management from the other IANA functions (since it is unclear that the IETF and RIRs will be dissatisfied at the same time, or would choose to work with the MRT and Contract Co. to select a new IANA operator. The core question is whether the complexity, cost and risks of the proposed model is worth the benefits of being able to separate from ICANN, or can we ensure that ICANN can be suitably controlled so as to allow a far simpler stewardship transition, and one where we preserve the current level of stability and security.” |
| 12 | ALAC | 12/16/2014 0:58 | The ALAC has the following concerns about Contract Co. that are further discussed in their comments:   * Cost (including possible liability costs & who will cover the costs) * Jurisdiction * Capture (including the possibility of nationalization by the country of jurisdiction) * Litigation * Rigidity – “. . rigidity has been deemed to be necessary to ensure that its founding principles are honoured and it is bound to support its multistakeholder masters. However, this very rigidity presumes that the world around Contract Co. will be stable and unchanging for the possible unlimited future.” * Contract Co. Misbehavior – “One cannot ignore the possibility of the (Contract) Co. Board not following the rules under which it should be operating, or a (Contract) Co. employee or contractor not following instructions and the Board not taking suitable corrective action.” * Risk (including an RFP every N years) – “A major change such as removing IANA from ICANN, with a potential result of it being taken over with no overlap of employees or systems would have a great risk of impacting security and stability.” |
| 14 | BRG | 12/18/2014 11:54:47 AM | “The advantages and disadvantages of a separate contract company compared with alternative arrangements (such as making this role internal to ICANN) need to be listed. ” |
| 17 | Kieren McCarthy | 12/19/2014 16:03 | “Allow the Contract Co. to ask as the approver of changes through the  contract.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “. . I advice caution against creating new entities that are the subject of political ambition and result in the creation of a parallel ICANN. Adequate care should be taken to restrict the growth dynamics of the new entities.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “The Contract Co should be extremely light-weight and its purpose should be limited to holding contracts for the names community. The Contract Co should not become a vehicle for policy related *collective action* by the names community. To operationalise this concept (i) the Memorandum of Association (MoA/By-laws) of Contract Co should narrowly limit the activities of Contract Co; and (ii) the MRT should be specifically recognised as an independent entity *outside* the Contract Co.” |
| 24 | Guo Feng | 12/22/2014 17:56 | Need an explanation of the legal jurisdiction of contract co. |
| 40 | Chris Disspain (auDA) | 12/23/2014 8:37 | “In a limited number of circumstances (such as 'gross incompetence' or ‘material breach’) there should be an option for the IANA function to be transferred from ICANN to another operator - The Nuclear Option.” |
| 42 | Andrew Sullivan | 12/22/2014 17:04 | Supports creation of Contracting Co but in a modified sense. Feels this entity should have the authority to deny any change to the Root Zone in the manner that NTIA does now. Its sole responsibility would be to ensure that the change met the prevailing policy, and then pass that change along to the Root Zone Maintainer to be implemented. If a proposed change was not in keeping with the prevailing policy, then the Contract Co would not pass the change along, and so the change would not happen. |
| 42 | JPNIC | 12/23/2014 7:05 | “We don't have clear idea how MRT could be separated from Contract Co., with the powers on those significant decision held, thus suppose that it would  be tricky and less stable if it be possible.” |
| 44 | SIDN | 12/22/2014 22:11 | Does not support. Total separation of functions should be seen as a last resort. So long as ICANN sis performing the functions well, separation should not take place. Support effective oversight and control, however, all of these can be realized without setting up a Contract Co., the creation of which introduces issues with regard to its core stability. We hereby specifically refer to: the choice of the country under which laws it will be set up and act, the risk of capture, the yet to be defined formal relation with the MRT and the risk of all kinds of litigation and claims with which the single small entity will have to deal with. |
| 46 | IPC | 12/22/2014 17:31 | Supportive as ICANN should maintain its headquarters in the United States and remain subject to applicable law in the United States. Details regarding rebidding process need to be fleshed out. |
| 47 | Nominet | 12/22/2014 23:05 | Recognize reasons for creation but do not support. Support an ICANN based solution. |
| 48 | ALAC | 12/22/2014 23:33 | Have concerns around: cost, jurisdiction, potential for capture, open to litigation, rigidity which could preclude it from evolving, lack of ability to govern potential “misbehavior”, and increased risk. |
| 49 | RySG | 12/22/2014 23:34 | “We believe that some form of a contract with the IANA Functions Operator is necessary to establish key requirements of the IANA Functions Operator currently provided for within the NTIA agreement. As such, a contracting entity is likely a requirement of any IANA Stewardship Proposal for the naming community. We agree that this entity should be incorporated so as to protect its Directors and staff from personal liability and that this entity should be lightweight in order to minimize costs.” |
| 50 | Graeme Bunton | 12/22/2014 18:39 | “this Contracting Co. must exist. With the existence of a Contracting Co, the possibility exists (although at the moment it may be remote) to remove the IANA functions from within ICANN” |
| 52 | Center for Democracy and Technology | 12/23/2014 0:14 | “Much of the uncertainty expressed by parties with the overall draft proposal revolves  around the lack of detail as to how the Contracting Co. is organized, its legal structure, the  relationship between it and the MRT, etc. Further CWG discussion of the Contracting Co.  and legal advice is critical at this stage.” |
| 53 | CBUC | 12/23/2014 01:01:50 | “The BC does not support the proposed creation of a new contracting entity” |
| 55 | Christian Dawson | 12/23/2014 0:55 | “Creating a shell entity limits its attractiveness as a target for potential capture. On the other hand,  it may hamper the contracting entity’s leverage in negotiations.” |
| 55 | Christian Dawson | 12/23/2014 0:55 | “We have concerns about the level of discretion accorded to Contract Co…The model proposed by the CWG does not establish much-needed guidelines or limitations on the circumstances under which the IANA Functions could be transitioned to a new operator…circumstances for re-awarding the IANA functions contract should be limited to issues of non-performance, such as a failure to execute against established Service Level Agreements or non-adherence to contract terms” |
| 59 | European Commission | 1/6/2015 2:02 | “The status and content of the **Contract entity** remains unclear. For us it should be maintain that legal entity would only act according to the instructions of the MRT, which , through this legal entity, would have the power to “re-delegate” the “IANA Operator function” (the "separability" which is currently the power of the NTIA) and to give instructions to the operator.” |

**Comments about the IAP**

| **#** | **From** | **Date/Time** | **Excerpt/Description** |
| --- | --- | --- | --- |
| 12 | ALAC | 12/16/2014 0:58 | Regarding the IAP the ALAC says: “It has been suggested that there should be an associated mechanism to ensure the pending an appeal, the action being objected to might need to be delayed pending the appeal.” |
| 12 | ALAC | 12/16/2014 0:58 | “. . . there should be “standard operating procedure” way of catching most such errors without resorting to the appeals process.” |
| 14 | BRG | 12/18/2014 11:54:47 AM | “If arbitration is chosen, BRG recommends use of existing arbitration providers and rejects the creation of a new body. BRG suggests greater international credibility would be provided by use of the ICC arbitration service.” |
| 15 | INTA Internet Committee | 12/18/2014 19:13 | “INTA generally supports the notion that a mechanism for an affected party to appeal a decision relating to the Root Zone would be beneficial for Internet stakeholders and consumers. With regard to the issue of who should have standing before the Independent Appeals Panel, INTA would support the position that all decisions and actions of the IANA Functions Operator that affect third parties and impact the Root Zone or Root Zone WHOIS database should be subject to an independent and binding appeals process. The WHOIS database in particular is a critical tool for trademark owners in addressing trademark infringement online and no single party should have the ability to amend relevant policy without being held accountable through an appeal mechanism.” |
| 16 | U.S. Council for International Business | 12/18/2014 19:54 | “. . we are concerned that some elements of the CWG draft proposal might destabilize the operation of accountability mechanisms. Specifically, the CWG proposes some new accountability reforms, such as the creation of the Independent Appeals Panel (IAP), which would have jurisdiction over disputes arising “as to the implementation of IANA related policies.” We believe this reform would be better addressed as part of the broader ICANN Enhancing Accountability process because it should be applicable to ICANN as a whole and not just the IANA naming functions. Further, we are concerned that the creation of accountability mechanisms on a few different tracks risks creating the potential for confusion and “forum shopping.” Such an outcome would introduce uncertainty and unevenness in the overall process and possibly jeopardize the stable management of the IANA naming functions. Therefore, while we urge that accountability mechanisms regarding the IANA naming functions be implemented, we believe they need to be done in a holistic manner and in conjunction with broader accountability reforms across the entire organization.” |
| 16 | U.S. Council for International Business | 12/18/2014 19:54 | “. . the proposal fails to elaborate on the terms of reference for the IAP or provide details on the composition of this panel, making it difficult for business members of the ICANN community to offer fulsome comments – either pro or con – concerning this pillar of the proposal.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “*Instruments with IAP*:  ◦ The IAP should be allowed to issue temporary injunctions withholding (re)delgation pending the disputed matter at hand.  ◦ In case of contempt of a IAP directive/order by the IANA Operator, the IAP should be able to escalate the matter to the MRT. The MRT should use its position to threaten termination of the IANA contract to ensure compliance.” |
| 24 | Guo Feng (CAICT) | 12/22/2014 17:56 | IAP requires further explanation about its composition and how fairness is assured |
| 40 | Chris Disspain (auDA) | 12/23/2014 8:37 | Support the creation of an Independent Appeals mechanism but feel that awarding binding powers with regard to ccTLD delegations and re-delegations is out-of-scope for the CWG and needs to be addressed in a separate forum. |
| 40 | Chris Disspain (auDA) | 12/23/2014 8:37 | “The policy for and implementation details of any review mechanism or appeals process that pertains to the re-delegation of a ccTLD is a matter for the ccTLD community.” |
| 41 | Rita Forsi/Gov’t of Italy | 12/22/2014 22:00 | Minimal impact on ccTLDs national sovereignty must be fully guaranteed, with particular reference to the delegation and re-delegation decisions. |
| 41 | Rita Forsi/Gov’t of Italy | 12/22/2014 22:00 | Proper checks and balances must be in place, with effective and affordable means of appeal and redress, and adequate guarantees of independence. |
| 42 | Andrew Sullivan | 12/22/2014 17:04 | Does not support. Would create inconsistent results. Feels this should be dealt with in the Accountability track. “While the inspiration for the Independent Appeals Panel is noble, the proposal that "all decisions and actions (including deliberate inaction) of the IANA Functions Operator that affect the Root Zone or Root Zone WHOIS database be subject to an independent and binding appeals panel" potentially makes every action (or inaction) of IANA into an opportunity for litigation.” |
| 43 | JPNIC | 12/23/2014 7:05 | It is notable that IAP as a redress mechanism may help minimizing inappropriate changes. If there should be posting in advance with objections or opinions accepted, the detail implementation should include effective means to avoid unqualified ones to keep the changes within reasonable process duration. |
| 43 | JPNIC | 12/23/2014 7:05 | Support the proposal's approach to use existing dispute resolution providers, instead of establishing a standing panel. As a successful implementation of UDRP, the key of proper functioning of IAP will be achieved by clear provision of the dispute resolution policy and favorable engagement of the panelists. |
| 44 | SIDN | 12/22/2014 22:11 | Supports concept but should replace existing structure, not create a new one. gTLDs and ccTLDs should be managed differently given political concerns. “We note that it is vital that the IAP should be the sole forum for appeals with regard to IANA naming decisions. It should therefore replace, as far as one would recognize it as being currently applicable, the Independent Review of Board Actions procedure in the bylaws of ICANN.” |
| 46 | IPC | 12/22/2014 17:31 | Standing has yet to be defined and needs to be done through accountability process. |
| 47 | Nominet | 12/22/2014 23:33 | Does not want to duplicate efforts by other existing entities. However, could envisage a key role for strengthened bylaw provisions in the case of a simplified stewardship model directly based around ICANN, but with binding obligations and the potential to set up a separate entity should ICANN’s stewardship fail to meet community requirements. Any decision by the IAP should be limited to agreeing that due process has been followed and documented, or to referring the case back to the IANA functions operator for further consideration and explanation. |
| 49 | RySG | 12/22/2014 23:34 | “We strongly support the existence of a binding and independent appeals process extending to decisions and actions of the IANA Functions Operator that affect the content of the Root Zone File or Root Zone WHOIS Database. It is imperative that this appeals process only challenge whether established policies have been properly applied or adhered to by the IANA Functions Operator. It should not evaluate the merits of such policies. Allowing this independent appeals process to challenge the policies governing delegation and re-delegation of gTLDs themselves could create a secondary nexus for policy development, undermining the role of the multi-stakeholder model for policy development for the naming community. It would be unacceptable to the gTLD Registry Operators.” |
| 50 | Graeme Bunton | 12/22/2014 18:39 | “The IAP component of the proposal is crucial, and it’s location outside of both ICANN and the  IANA oversight functions is necessary.” |
| 50 | Graeme Bunton | 12/22/2014 18:39 | “…r the IAP must be carefully scoped. The wording in the proposal that the IAP is open to “other parties who feel that they were affected by an IANA action or decision” is unfortunately broad, and the interpretation of this will surely be stretched by parties with an agenda.” |
| 51 | Kurt Pritz | 12/22/2014 16:42 | “there need not be an appeal mechanism.” |
| 53 | CBUC | 12/23/2014 01:01:50 | “Some of the key accountability reforms suggested by the CWG (e.g., broader the scope of “appellate” review) would be best addressed in the CCWG on Enhancing ICANN accountability” |
| 54 | Mary Uduma (NIRA) | 12/23/2014 2:00 | “NIRA supports the Independent Appeals Panel (IAP) as propose by the CWG.  NIRA also believes that the accountability issues in the transition should form part of proposal to the ICG by the CWG considering that the two overlap in some aspects... “ |
| 55 | Christian Dawson | 12/23/2014 0:55 | “discussion regarding appeal mechanisms should take place in a holistic fashion. The ability of aggrieved parties to seek review of ICANN’s actions should be improved across the board -- not just with respect to the IANA functions…This discussion should take place in the Accountability Working Group. A broader review mechanism with binding outcomes and appropriate redress should be implemented through the Accountability Process, and this mechanism could and should also cover the appeals referred to in the draft proposal for as long as ICANN continued to act as the IANA Functions Operator.” |
| 56 | ALAC | 12/22/2014 23:05 | Supportive as drafted. |
| 59 | European Commission | 1/6/2015 2:02 | “In relation tothe proposed **Independent appeals panel**, the latest draft does not include a reference that the arbitration rules should be based on already existing **international law** but merely on "the same way commercial disputes are often resolved". It would be important to clarify why this change was made after Frankfurt and what this change would imply in practice. An independent, effective and affordable redress mechanism is essential for the accountability of the structure.” |

**Comments about Independent certification for delegation and redelegation requests**

| **#** | **From** | **Date/Time** | **Excerpt/Description** |
| --- | --- | --- | --- |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “*Role of Legal Counsel*: It has been proposed that the Authorisation Function will be replaced by publication for gTLDs and counsel review for cTLDs. It is unclear who will appoint this independent legal counsel? Will the legal counsel be providing an assessment based on California Law or the country from where the ccTLD originates? The advice provided by the legal counsel should preferably be in the form of a pre-defined checklist. In case of any contentious issues, the legal counsel should refer the matter to the IAP.” |
| 43 | JPNIC | 12/23/2014 7:05 | The detail, especially clear condition to be certified is key for this function in order to have an independent counsel act reasonably. |
| 44 | SIDN | 12/22/2014 22:11 | The CSC nor the MRT nor an independent certification from a counsel should have a role with regard to ccTLD delegation and redelegation request. What might help in this respect is the publication by IANA of the complete intended delegation/redelegation decisions for public comment prior to taking the final decision. |
| 45 | AFNIC | 12/22/2014 23:17 | Only IANA’s fulfillment of its due diligences regarding the policies agreed are to be checked, and in no circumstance the proposed delegation or redelegation per se. |
| 47 | Nominet | 12/22/2014 23:05 | ICANN Board should not have a ole in ccTLD redelegation requests. |
| 48 | ALAC | 12/22/2014 23:33 | Feels there is a serious gap in the proposal related to delegation and redelegation issues. One option of to create a “standard operating procedure” |
| 58 | Danish Business Authority | 1/7/2015 8:03 | The administration of ccTLDs sovereignty must be respected. This also entails that redelegation and delegation of ccTLDs should be conducted according to national rules and procedures, including respecting national authorities and appeals mechanisms, where such rules and mechanisms exist. |

**Comments about public posting of IANA change requests**

| **#** | **From** | **Date/Time** | **Excerpt/Description** |
| --- | --- | --- | --- |
| 43 | JPNIC | 12/23/2014 7:05 | It is not clear if objections or opinions would be allowed before the concerned change, but we suppose they would since that may be the reason for the posting in advance. If they are allowed, it may introduce the unwanted latency in the change of records of the root zone file by unqualified objections and opinions. |
| 44 | SIDN | 12/22/2014 22:11 | Supportive as means of allowing for mistakes to be caught by community |
| 46 | IPC | 12/22/2014 17:31 | Supportive to provide for increased transparency. |
| 54 | Mary Uduma (NIRA) | 12/23/2014 2:00 | “that each request for delegation and re-delegation should be made public by the requesting ccTLD to the ccTLD community for comments within a specified time frame, and also allow CC community to give authority/endorsement to the request.” |
| 55 | Christian Dawson | 12/23/2014 0:55 | “We support the public posting of all IANA change requests, and the extra layer of transparency  that would come from by requiring the public posting of all IANA change requests.” |
| 55 | Christian Dawson | 12/23/2014 0:55 | “…public postings should not delay the implementation of requests.” |
| 55 | Christian Dawson | 12/23/2014 0:55 | “process must be informational only, and not a chance to revisit prior decisions on the reasons  for or methods of information disclosure.” |
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**Comments about possible modifications to the Independent Review of Board Actions**

| **#** | **From** | **Date/Time** | **Excerpt/Description** |
| --- | --- | --- | --- |
| 14 | BRG | 12/18/2014 11:54:47 AM | “BRG recommends a stronger means of review to allow for both re-dress and reversal.  Greater clarity is needed on who has standing to bring an appeal.  Accountability mechanisms for IANA and ICANN generally need to work sensibly together and not overlap or conflict. Any possibility of forum shopping or confusion as to where decisions are made must be avoided.” |
| 15 | INTA Internet Committee | 12/18/2014 19:13 | “INTA generally supports the notion that a mechanism for an affected party to appeal a decision relating to the Root Zone would be beneficial for Internet stakeholders and consumers. With regard to the issue of who should have standing before the Independent Appeals Panel, INTA would support the position that all decisions and actions of the IANA Functions Operator that affect third parties and impact the Root Zone or Root Zone WHOIS database should be subject to an independent and binding appeals process. The WHOIS database in particular is a critical tool for trademark owners in addressing trademark infringement online and no single party should have the ability to amend relevant policy without being held accountable through an appeal mechanism.” |
| 58 | Danish Business Authority | 1/7/2015 8:03 | Critical to making sure that the new institutional setup is adequately accountable is the establishment of binding and effective appeals/redress mechanisms that are, non-discriminatory, affordable and independent. An effective appeal system will also depend on who can appeal a decision and on what grounds. |

**Comments about** **possible modification to the NTIA's responsibilities acting as the Root Zone Management Process Administrator**

| **#** | **From** | **Date/Time** | **Excerpt/Description** |
| --- | --- | --- | --- |
| 16 | U.S. Council for International Business | 12/18/2014 19:54 | “. . we support the concept that a new structure may need to oversee various administrative functions set forth in the IANA Functions Contract, which is currently performed by NTIA.” |
| 44 | SIDN | 12/22/2014 22:11 | No new organization/structure should replicate the role of the Root  Zone Management Process Administrator role NTIA currently has |
| 45 | AFNIC | 12/22/2014 23:17 | Unless there is a thorough analysis of the root zone publisher function, especially by what mechanisms it is bound to publish IANA-approved changes to the root zone, they believes no responsibility given whether to the MRT or to contract Co. or even to IANA operator itself could be fully fulfilled. The root zone publisher has to remain committed to publish changes in the root when, and only when, they are approved by the IANA Operator, should be clearly stated in the transition proposal. |
| 46 | IPC | 12/22/2014 17:31 | The IPC believes that the RZM Authorization function is a key accountability mechanism, since ICANN currently self-certifies that it has complied with policy. As such, who exercises the RZM Authorization function and the process for handling such authorizations must be clear before meaningful comprehensive comments can be submitted. IPC looks forward to doing so once there is a proposal that addresses this critical issue. |
| 51 | Kurt Pritz | 12/22/2014 16:42 | “ authorize root-zone management changes in the same  process and using the same criteria the NTIA does now” |

**Comments about ALAC Alternative Solution**

| **#** | **From** | **Date/Time** | **Excerpt/Description** |
| --- | --- | --- | --- |
| 15 | INTA Internet Committee | 12/18/2014 19:13 | “INTA generally agrees that such an option would require both substantial improvements to ICANN accountability and the implementation of binding arbitration mechanisms executed by an independent arbitration organization. However, such organizational accountability enhancements and a binding arbitration procedure are, in INTA’s view, required regardless of whether the IANA functions are transferred to an entity such as Contract Co. or directly to ICANN. The ongoing discussion about such an alternative solution should allow ample participation from the business sector and be guided principally by technical considerations related to operational excellence in root zone management. This issue is interrelated with the Enhancing ICANN Accountability Process and thus is subject to the results of the separate Cross Community Working Group on Enhancing ICANN Accountability (“CWG-Accountability”). INTA recognizes that the Contract Co. approach recommended by the CWG enhances accountability regarding ICANN’s technical management of the IANA functions by assuring periodic review of ICANN’s performance and simplifying the task of transferring the contract if that performance is deficient. A direct transfer of the IANA functions to ICANN would be simpler in form but raises questions about whether technical performance accountability could be adequately enforced. INTA has no objection to further exploration of such an alternative but, absent a specific and well-developed proposal, is unable to comment further at this time.” |
| 16 | U.S. Council for International Business | 12/18/2014 19:54 | “. . . we should ensure we take full account of what is working and not establish a completely new system unless it will be an improvement.” |
| 18 | Dara Rishabh | 12/22/2014 2:23 | “I strongly oppose the alternative proposal which envisages transferring all of NTIA's responsibilities to ICANN. This proposal appears to be a guise to gift IANA to ICANN in perpetuity. In the absence of external accountability, there would be no feasible mechanism to change the IANA operator in the future in case of serious dissatisfaction with the incumbent IANA operator. It is a risky and speculative gambit to suggest that *if* IANA is transferred to ICANN without a contract *then* in return the ICANN board may accept strong internal accountability mechanisms, especially since the output of CWG-Accountability will be vetted by the ICANN board.” |
| 47 | Nominet | 12/22/2014 23:05 | Supports ICANN solution with modifications: create CSC-like structure for technical oversight established via changes to the bylaws, clear separation of functions, limitations on making changes to the bylaws. |
| 48 | ALAC | 12/22/2014 23:33 | Further refinement on their proposal:   1. Remove Contracting Co and delegate authority to ICANN 2. Requirement MRT recommendations are adhered to 3. Create IANA supporting organization 4. Changes to IANA be open to PC and MRT approval and require Board approval 5. ACs and SOs be allowed to recall their Board members 6. In extreme cases, MRT could require mandatory divestiture of IANA 7. On going monitoring to ensure IANA is adhering to established policy and practice should be done by combination of appropriate SOs, MRT, and CSC (with MSH component added) |
| 52 | Center for Democracy and Technology | 12/23/2014 0:14 | “We are not comfortable with the “alternative proposal” outlined in the consultation document which would see the IANA function remain with ICANN without any independent oversight or ability to rebid the contract.” |

**Comments about Other alternative solutions**

| **#** | **From** | **Date/Time** | **Excerpt/Description** |
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| 40 | Chris Disspain (auDA) | 12/23/2014 8:37 | Provides the following alternative approach:  1) Provide for Nuclear Option – Creation of a “golden bylaw”, would give the TLD registry operators the right, in certain circumstances, the right to require ICANN to put the IANA function out to re-bid due to grossly negligent or incompetent or in material breach of its obligations under agreed service level commitments or performance indicators.  2) Functional Separation – Enhance current separation as part of the transition (budgeting, legal, etc.)  3) CSC – provide liaison between IANA functions and TLD registry operators, and which would review SLAs, performance indicators, review reports, etc.  4) Appeals – to deal with disputes that arise in respect to matters covered by 3 above there should be a binding arbitration mechanism utilizing the services of an independent arbitration organization. |
| 44 | SIDN | 12/22/2014 22:11 | 1. Board should be comprised of independent professions selected based on skill and expertise, instead of current selection by SO/ACs and NomCom 2. Above the new board, a multistakeholder oversight body would be placed comprised of elected members from stakeholder groups. Group would have right to dismiss Board decisions and would be given final say over transfer of IANA functions (could be MRT-like structre) |
| 51 | Kurt Pritz | 12/22/2014 16:42 | * Solution comprises an independent administrator responsible for day-to-day oversight and management of an RFP (if needed) and a board of trustees appointed by a nominating committee and tasked with appointing the administrator and independent auditor and approving outcome of an RFP. * These entities would report to the board and as long as the functions remained within ICANN there would be no need for a contract. * The board would be required to permit and facilitate a transition if the need arose. * SLAs will be developed directly between the functions operator and the registries. |
| 53 | CBUC | 12/23/2014 01:01:50 | “The best reason to create a separate contracting entity is to retain the possibility that the IANA contract could be removed from ICANN in the event of negligence or malfeasance. But the BC believes that we could address the possibility of ICANN negligence or malfeasance in two ways:  1) Require ICANN to enter a contract for an emergency back-up provider for IANA; and  2) EstaEstablishing an independent and effective oversight is a key element to an accountably new setup. In order to ensure adequate independence, a solution could be to establish the IANA Periodic  Review Team as an Expert Committee/Advisory Council (with expertise in i.e. international law, good governance, and issues related to the DNS) independent of ICANN. The multistakeholder community, including governments, could choose the IANA Periodic Review Team. In this regard we would like to underline that we do not believe that the principle of independence is fulfilled if the Committee/Council would consist only, or mainly, of people from the ICANN-communityblish stronger accountability mechanisms (e.g., spilling the board) in the broader process.” |
| 58 | Danish Business Authority | 1/7/2015 8:03 | Establishing an independent and effective oversight is a key element to an accountably new setup. In order to ensure adequate independence, a solution could be to establish the IANA Periodic  Review Team as an Expert Committee/Advisory Council (with expertise in i.e. international law, good governance, and issues related to the DNS) independent of ICANN. The multistakeholder community, including governments, could choose the IANA Periodic Review Team. In this regard we would like to underline that we do not believe that the principle of independence is fulfilled if the Committee/Council would consist only, or mainly, of people from the ICANN-community |

1. It should be welcomed that the word "Periodic" has been replaced by "Multistakeholder" in the name of the Review Team in the latest draft which reflecting the intentions to make it a truly multistakeholder entity with possibilities to more frequent and 'ad hoc' meetings than what "periodic" would imply. [↑](#footnote-ref-1)