**SUBSTANTIVE INPUTS FROM DIRECT CUSTOMERS – MAPPING**

Legend: √ = aligned, Δ= divergence, \* = input to be considered by DT/CWG

Please note that input may have been abbreviated for the purpose of the table and/or grouped together with other relevant sections. For full details, please review the relevant submissions. With regard to the design teams, the input has been mapped against the input submitted by the Design Teams in preparation for the F2F meeting in Istanbul, which may deviate from the original scope of the DT.

|  | [**GUIDANCE DOCUMENT**](https://community.icann.org/download/attachments/49351404/IANA%20Stewardship%20Transition%20-%20Guidance%2019%20March%202015.docx?version=1&modificationDate=1427100244000&api=v2) | **STATUS** | [**RySG STATEMENT**](https://community.icann.org/download/attachments/49351404/RySG%20IANA%20Statement%203%2022%202015%20%28Final%29.docx?version=1&modificationDate=1427153768000&api=v2) | **STATUS** |
| --- | --- | --- | --- | --- |
| **General** | **This document defines structures, mechanisms, processes and key principles for the IANA transition. It has been developed with two key goals in mind:**   * **To deliver the minimal, most simple and lightweight structures possible, while still meeting the needs and expectations of stakeholders; and** * **To avoid the creation of new, unnecessary structures and their associated complexities.** |  | The RySG has identified a core set of requirements that need to be satisfied in any transition proposal for naming services. In short these requirements are:   * The continued provision of an IANA service that is ‘satisfactory’ to its customers is key in any transition plan; * The operational needs and interests of the registry operators in the IANA transition are very narrow and primarily technical in nature; * Duplicative and complicated structures that are currently under discussion are not suitable to achieve a satisfactory IANA service; * A well-designed and focused Customer Standing Committee (CSC) is the appropriate mechanism post-transition to manage the responsibilities currently performed by the NTIA; * Any proposal to separate the IANA function from ICANN must have the unqualified support of the registry operators and must be fully budgeted; and * In order to maintain the focus of the CWG on the operational and technical requirements of the IANA transition, it should be agreed that any discussion about accountability issues are the responsibility of the CCWG. |  |
| **DT A –**  **SLE** |  |  | As direct customers of the IANA functions, the operational performance and objective execution of the IANA Functions Operator against established service levels, policies, and procedures is paramount. | √ |
| **DT B** | The IAP will not address policy-related matters, and disputes arising in respect the delegation or re-delegation of a TLD are specifically excluded from this process. | \* |  |  |
| **DT C – DT N**  **Innovation** | Introduction of technical changes: In some instances, these changes are the result of policy developed within ICANN and its SOs and ACs. The adoption of these policies and subsequent implementation are subject to the relevant ICANN bylaws and are outside the scope of the DUG. However, in instances where an operational / technical change is not the result of policy processes, and has an effect on the IANA naming functions stakeholder community, the DUG will liaise with the IFM and agree implementation plans on behalf of the TLD registry operators.The IFM should publish implementation plans for significant technical changes, initiate an RFC process, and then issue a statement based on the comments received. | √/ \* | The RySG supports the introduction of processes to explore widely-supported improvements to the performance of the IANA naming functions:   * For example, automation.   We believe that these aims should be explored, whether as a part of the transition proposal or through empowering post-transition reviews to compel improvements in the performance of the IANA naming functions.  The proposal should provide mechanisms for iterative improvements to the performance of the IANA Functions, as well as to its oversight structures to account for “lessons learned” and for the potentially evolving needs of the registry community. | √/ \* |
| **DT C - Purpose** | The concept of a "DUG" is similar to the "Customer Service Committee" outlined in other proposals and discussions. | √ | We believe that the CSC would be sufficient to carry out oversight of the IANA Functions Operator. | √ |
| **DT C / DT M / DT A / DT N**  **Scope** | TheDUG will perform five main functions.   1. Dealing with disputes 2. Regular reporting 3. Periodic Audit 4. Urgent review 5. Introduction of technical changes | \* |  |  |
| **DT C – DT M**  **Disputes** | Disputes about agreed service levels or performance that arise between a TLD registry operator and the IFM should be addressed, in the first instance, between the two parties. In instances where direct negotiation cannot resolve a dispute the escalation mechanisms should be activated. The first of these mechanisms is a “Direct User Group” (DUG). | √ |  |  |
| **DT C – Formation** | The DUG will be a standing body that will operate under a Charter defining the role of the group, including the appointment of a Chair and | √ | Concerns regarding the accountability of the CSC could be minimized by clearly defining its mandate and scope in founding documents, | √ |
| **DT C**  **IANA link** | set out the lines of communication between the DUG and IANA staff. | √ |  |  |
| **DT C / DT N Transparency** |  |  | through clearly stated transparency and openness requirements in founding documents, and by solidifying wider community participation in periodic review processes, including any that would have the potential to change the scope of the CSC’s work. | √ |
| **DT C**  **Composition** | The DUG is intended to represent the direct naming functions customers of IANA and so its membership will be drawn from the ccTLD and gTLD registry community.[[1]](#footnote-1) | √ | This technical experience that is most likely to come from the direct customers of the IANA Functions or technical bodies such as the SSAC or RSSAC. | √ |
| **DT C**  **Expertise** | Members of the DUG must possess relevant technical experience. | √ | It would be critical to identify participants and define composition on the basis of possessing the relevant experience, expertise, and skills to carry out the task at hand. | √ |
| **DT C**  **Size** | While the structure of the DUG must allow it to be representative of direct stakeholders, its size should not limit its efficiency and responsiveness. As such, a sensible size for the committee would be 8 participants with two or three non-voting liaisons from the technical community. | √ | The CSC should be kept small in size and its composition fit-for-purpose. This group could be kept to a minimum two official representatives from the community of ccTLD operators and two from the gTLD registry operators, and one other representative from the technical community with relevant expertise. | √ |
| **DT C**  **Compensation** |  |  | CSC membership should be on a volunteer basis and not be compensated | √ |
| **DT C**  **Transparency** |  |  | The creation of a narrow oversight body could be balanced out with robust provisions for openness and transparency, so as to enable broader multi-stakeholder participation in oversight of the IANA Naming Functions, such as:   * Continuing to conduct regularly scheduled independent audits of the performance of the IANA Functions Operator; * Making meetings of the CSC open, as appropriate; * Publishing transcripts and recordings of CSC meetings; * Ensuring that all reporting by the IANA functions operator remains timely and transparent so that any interested party could undertake unofficial monitoring and flag issues; * Providing public comment periods for any material changes recommended by the CSC; * Soliciting community participation in any regular review of the IANA function facilitated by the CSC; and * Ensuring that a decision to move the IANA functions was supported by the multi-stakeholder community. | \* |
| **DT C**  **Reporting** | The IFM will develop, and publish, regular performance reports. The DUG will review these against agreed service levels and performance metrics. The DUG can provide advice to the IFM on the type, frequency and content of the reports. | √ |  |  |
| **DT C – DT J**  **Confidentiality** | Information provided to the DUG regarding such disputes will remain confidential, unless the involved parties agree otherwise. | Δ |  |  |
| **DT M**  **Conditions for Separation** |  |  | The conditions for separation should be clearly defined. The community needs to develop a clear process in order to trigger the removal of the functions from under ICANN’s management. Specifically, the functions should not be severed without: 1) the direct agreement of the direct customers of the IANA functions; and 2) in direct response to failures to conduct the IANA operations in a manner acceptable to these direct customers. Further, this can only take place after a pre-existing and comprehensive escalation process allowing ICANN time to remedy poor performance has been exhausted. | \* |
| **DT M / CCWG**  **Assurances** | The escalation plan and assurances of powers in the DUG and SOs and ACs, cannot be overturned or rejected by the ICANN Board.  A variety of mechanisms that could provide this assurance are currently under consideration by the community. These include the ability to move the IANA function away from ICANN through the establishment of external structures such as a “Contract Co” or internal solutions such as a “Golden Bylaw” amendment and, internal ICANN based accountability mechanisms such a spilling the ICANN Board. | \* |  |  |
| **DT M / DT C**  **Escalation** | As noted above, engagement of the DUG will be the first step in dispute escalation, both in instances of individual party disputes and systemic failure.  Individual party dispute   1. Where a TLD registry operator has a dispute regarding agreed levels of service or performance with the IFM, and the parties have been unable to negotiate a satisfactory outcome, the TLD registry operator may lodge a written complaint with the DUG. The DUG will request a written response from the IFM within 10 working days, will assess the circumstances, and will attempt to facilitate an agreed outcome between the parties. All disputes between the IFM and TLD registry operators will be archived for future reference. 2. Should this stage of resolution fail, the DUG will engage the services of an external mediator and will provide reports to the mediator on previous attempts at resolution. The IFM will also provide a report to the mediator. If the mediator is able to bring the parties to an agreed outcome, appropriate remedial action will be taken and records of the dispute will be archived. 3. Should mediation fail, an Independent Appeals Panel (IAP – see below) will be engaged by the DUG. All previous attempts at resolution will be considered. The IAP will take a decision that is binding upon both the TLD registry operator and IFM. The IAP's decision will be binding upon the registry based upon that entity's explicit agreement to enter into the escalation and mediation process outlined above.[[2]](#footnote-2)   “Systemic failure”  The escalation process for a systemic or critical failure of the IFM regarding agreed levels of service or performance will follow different processes to those associated with a dispute raised by a TLD registry operator.   1. The DUG is empowered to determine a significant or systemic failure of the IFM, either due to the outcome of a periodic audit or the DUG’s evaluation of a rising number of TLD registry operator complaints. 2. In the instance of a failure, the DUG will appoint a team of experts, with appropriate technical knowledge, to engage with the IFM to ascertain the problem and its root cause. 3. The DUG and its technical experts will discuss planned remediation with the IFM and work with the IFM to complete the remediation. 4. The DUG-appointed experts will then advise on whether the issue is deemed a critical or systemic failure. If this determination is made, further escalation steps will be taken to ensure necessary long term changes are implemented. 5. Should this stage of resolution fail, the DUG will engage the services of an external mediator and will provide reports to the mediator on previous attempts at resolution. If the mediator is able to bring the parties to an agreement, appropriate remedial action will be taken and records of the dispute will be archived. 6. Should mediation fail, an Independent Appeals Panel (IAP – see below) will be engaged by the DUG. All previous attempts at resolution will be considered. The IAP will take a decision that is binding upon the TLD registry operator (where applicable), DUG and IFM. | √ |  |  |
| **DT N**  **Need for periodic review** | in order to conduct significant, scheduled reviews of the performance of IANA's naming function | √ | As registries, we believe it fundamental that any proposal provide for opportunities to improve the performance of the IANA functions, as well as to review key aspects of the proposed oversight structure, as needed. (…)  These could include the requirement for regularly scheduled reviews of the performance of the IANA Naming Functions | √ |
| **DT N**  **Implement Recs** |  |  | It could also include a requirement that the IANA Functions Operator would implement recommendations supported by a critical mass of the registry community provided that they were within scope. | \* |
| **DT C / DT N**  **Periodic Review** | The IANA Performance Review Team (IPRT) will play a role distinct from the DUG. The IPRT will engage periodically, in order to conduct significant, scheduled reviews of the performance of IANA's naming function. As such, it will not be a "standing body", though will convene based upon established guidelines.  Membership of the IPRT will be drawn from a broad cross-section of the Internet community. At a minimum this will include representatives from all SOs and ACs and members of the technical community. As with the DUG, the IPRT must be representative, but not unwieldy. Further, direct customers must represent the majority of the team. As such, it is suggested that the IPRT could be composed of 14 members:   * 8 representing registry customers, * 1 from the GAC * 1 from the ALAC * 1 from the SSAC * 1 from the RSSAC * 1 from the IETF * 1 "other" member, engaged to provide independent input on legal or organisational review matters.   The IPRT will perform its first review three years after the initial transition from the NTIA and every four years thereafter.  These reviews would not address operational matters and levels of service (as undertaken by the DUG), but rather broader issues such as whether due process has been followed and policy guidance from the community has been adhered to. Should the IPRT find that problems do exist in the relationship between the DUG and IANA functions operator, the review team will direct appropriate remedial actions. | Δ / \* |  |  |
| **DT C / DT N**  **Independent Audit** | The DUG will publish the audit results and seek feedback from the community.  As a result of this independent audit process and the community feedback the DUG will examine and if necessary refine the agreed levels of service and performance metrics.  The results of the audit will help inform the periodic reviews to be undertaken by the Review Team (see below). | √ |  |  |
| **DT C**  **Audit interval** | Every 3 years the DUG will commission an independent organisation with the relevant technical expertise to undertake a detailed audit of the performance of the IANA functions operator | Δ |  |  |
| **CCWG/IAP**  **Development** | The IAP will be a binding mechanism, utilising the services of an independent, external arbitration organisation. Such an ICANN-wide mechanism is expected to be developed by the CCWG on Accountability. | \* | We believe that further development of the Independent Appeals Panel (IAP) should be deferred until an assessment can be made of whether the requirements of the IAP might be addressed by one of the mechanisms under discussion by the CCWG Accountability. We note that the CCWG Accountability has formed a Work Party to recommend review and redress mechanisms that would benefit ICANN’s overall accountability framework and that the IAP has been specifically recognized as an issue for which the mandates of the two groups overlap. To avoid the development of duplicative mechanisms and the potential problems of forum shopping, we urge that further discussion of the IAP be deferred to the CCWG Accountability. | \* |
| **CCWG/IAP**  **Scope** | The IAP’s scope will be limited to providing arbitration between the IFM and a TLD registry operator and, when appropriate, the IFM and the DUG in respect to disputes on agreed levels of service or performance, relating to the IFM's naming functions. The IAP will not address policy-related matters, and disputes arising in respect the delegation or re-delegation of a TLD are specifically excluded from this process.  The IAP may make the following findings:   1. That the IFM has not breached agreed levels of service or performance in which case the matter will be treated as resolved and no further action taken. 2. That the IFM has breached agreed levels of service or performance and such breach is capable of remedy in which case the IFM shall have *XX* days to remedy the breach. 3. That the IFM has breached agreed levels of service or performance and such breach is not capable of remedy.   In the event that the IAP finds a breach that is not capable of remedy or in the event that a remediable breach is not remedied within the prescribed time frame then the DUG may proceed to the ‘Further Escalation Options’. All findings of the IAP will be published and made available to the stakeholder community. | \* |  |  |
| **CCWG** |  |  | Many in the IANA CWG seem to be confounding the mandates of the CWG IANA and the CCWG Accountability by trying to address accountability-related concerns directly within the proposal for the transition of naming-related functions. While these efforts are understandable, many may be misplaced, and should properly be addressed in the work of the CCWG Accountability. We note that the work of the CCWG Accountability is well underway in identifying accountability mechanisms that would empower the multi-stakeholder community and improve upon ICANN’s framework for review and redress and that these efforts would benefit from expanded attention and participation. | \* |
| **IANA Budget** |  |  | The prime area where functional separation could be enhanced was by providing greater clarity on the budget of the IANA Functions Operator including the source of those funds, how the expenses are divided across the functions deployed by the three primary customer communities, and how the IANA funds are spent. Ideally, we would like to see a stable funding stream for the performance of the IANA naming functions coming from the fees currently paid to ICANN by ccTLD and gTLD Registry Operators, notwithstanding year-to-year budgeting decisions, as well as to ensure that the functions continue to be supported in a case where they were transitioned to a successor operator. We further believe that providing the customers of the functions input into how these funds are apportioned by the IANA functions operator will ensure that the performance improves and evolves in accordance with the needs and goals of its customers. | \* |
| **Supported by** | A number of registries have got together and produced the attached document as guidance to the CWG. Our goal has been to provide the CWG with some clear information about the thinking of IANA customers about aspects of the transition from the USG. Whilst this guidance document is not, at this stage, specifically endorsed by registries, it has been put together with input from those registries listed below. It is intended to be constructive and to assist the various design teams with their work whilst at the same time providing guidance about the areas that registries may consider to be critical aspects of the plan that the CWG is designing. All of us are happy to engage with the CWG on any aspects of this document or answer any questions.  Registries:  auDA (.au)  CIRA (.ca)  Internet NZ (.nz)  DENIC (.de)  SIDN (.nl)  Internet Infrastructure Foundation (.se)  AusRegistry International  Afilias  Google  Neustar  PIR |  | The attached statement was prepared by gTLD members participating in this working group with input and support from the wider Registries Stakeholder Group. Though no formal vote was taken, all feedback received was constructive and supportive of the statement. It is meant as a follow-on to the RySG comments provided on the Draft IANA proposal, taking into account additional work and developments since December. |  |

1. The concept of a "DUG" is similar to the "Customer Service Committee" outlined in other proposals and discussions. [↑](#footnote-ref-1)
2. Such an agreement to be voluntarily bound by an appeals process in essential, given most ccTLDs do not have a contractual agreement with ICANN/IANA. [↑](#footnote-ref-2)