**Summary of Public Comment Action Items – 29 May 2015**

Please find below a brief overview of the issues that were raised in those comments that were flagged as action items in the [color coded action item list](https://community.icann.org/download/attachments/49351404/Color%20Coded%20Public%20Comment%20Review%20Tool-Action%20Items-26%20May.pdf?version=1&modificationDate=1432815256181&api=v2). This is just a summary to facilitate discussions. You are expected to have reviewed the full submissions which can be found here: <http://forum.icann.org/lists/comments-cwg-stewardship-draft-proposal-22apr15/index.html>.

**General Comments**

3 comments

* Clarity of roles needed and clarity on where accountability lies (Nominet) – *CWG*

CWG response: Agrees that further work is needed on clarifying roles and responsibilities of PTI Board and ICANN Board, as well as escalation mechanisms (where does responsibility lie). Final proposal is expected to fine-tune those details.

* Further emphasis in the proposal on the need for open consultation concerning all fundamental decisions (Nominet) – *CWG*

CWG response: Final proposal is expected to fine-tune those details.

* Proposal should embody the principle of geographic diversity (CNNIC) - *CWG*

CWG response: CWG will be mindful of such issues in the composition of any relevant groups and will consider requesting that when groups make their selections that they consider geographic diversity as they are in most instances responsible for selecting and appointing members. The CWG also notes that the proposed CSC charter recommends that the ccNSO and GNSO consider the composition of the group to make sure there is diversity.

**Section I – The Community’s Use of IANA**

2 comments

* .INT – neither ICANN nor the IANA functions operator should be involved in running a TLD (NCSG) – *CWG*

CWG Response: It is not clear what the justification for putting such a requirement in the proposal at this stage. There should be a process that considers this issue in a broader context, following transition. See also language proposed by Elise on the CWG mailing list: CWG has considered the .int domain, and concluded that provided there is no policy change under .int done by ICANN/IANA we don’t see any need for changes in the management of the .int domain in conjunction with the transition. Future administration of the .int domain should be subject to review post transition.

* Unclear whether IETF’s competence to reserve of designate the TLDs is recognized (Peter Koch) – *CWG*

CWG Response: The CWG observes that the comment relates to RFC 6761 which is being worked on by the IETF community so until that work is completed it may not be prudent to make any changes and from the perspective of the CWG does not need to be dealt with prior to the transition (but will need to be addressed post-transition).

**Section II – Existing Pre-Transition Arrangements**

1 comment

* Suggested edits for readability (RySG/RrSG) – *CWG*

CWG Response: The CWG will incorporate these edits in the next version of the proposal.

**Section III - Proposed Post-Transition Oversight and Accountability – IANA Statement of Work**

1 Comments (note – one comment has been misplaced, belongs in PTI Board) *- CWG*

* Instead of a contractual arrangement, SOW could also exist under amended ICANN bylaws (auDA) *- CWG*

CWG response: The CWG has considered this approach, but taking into account a number of factors, the majority of the CWG prefers the affiliate approach, which is also reflected in the feedback received in the public comments. It is the result of carefully considered expert input and compromise. Furthermore, putting the statement of work in the ICANN Bylaws would ‘freeze’ the statement of work, while it is a document for which the ability should exist to bring it up to date on a regular basis. CWG will consider whether there could/should be a reference in the Bylaws that references the need to regularly review the IANA statement of work (this could also be part of the IFR section which is not limited in its scope).

**Section III - Proposed Post-Transition Oversight and Accountability – Escalation Mechanisms**

3 Comments [Note, DT M is working on draft responses which it intends to share with DT C for its review – see also comments that have been listed under CSC. DT-C to review latest work on IFR and suggest how potential updates to accommodate these comments can be made]

* CSC should escalate to the PTI Board who may ask for a review (from the IFR) or any other action (AFRALO) *– DT M*

CWG Response: The CSC charter was largely done prior to the discussions on the PTI Board, as such escalation to the GNSO and ccNSO was the chosen escalation path at the time. It may still be premature to make any changes and instead have as the ultimate escalation the ICANN Board.

* Escalation by CSC to GNSO and ccNSO is adding a layer of escalation that may not be necessary. CSC could call for SIFR instead. (Centre for Democracy & Technology) *– DT M*

CWG Response: The CSC charter was largely done prior to the discussions on the PTI Board, as such escalation to the GNSO and ccNSO was the chosen escalation path at the time. Escalation to IFR was considered beyond the scope of the CSC, instead as any issues raised would relate directly to the technical performance of IANA, ccNSO and GNSO were considered to have direct access to broader community input on this issue and would be in a position to make an assessment on appropriate next steps. The GNSO and ccNSO step is an approval step with multi-stakeholder involvement, not an escalation mechanism as such. Having only the CSC initiate an SIFR may not be appropriate considering its limited remit and size. Should CWG consider whether GNSO should be changed to RySG – ccNSO and RySG would consider whether it should be escalated to a multi-stakeholder process to determine next steps?

* Inconsistencies between CSC and its responsibilities and the IFR (NCSG) *– DT M*

CWG Response: The CSC charter was largely done prior to the discussions on the PTI Board, as such escalation to the GNSO and ccNSO was the chosen escalation path at the time. As a result, there may be inconsistencies between CSC and IFR escalation mechanisms.

**Section III – Proposed Post-Transition Oversight and Accountability – Framework for Transition to Successor IFO**

2 Comments

* Mechanisms to accomplish separability should be explicitly included in the CWG proposal (US Council for IB) – *DT X/SR & DT-L*

CWG response: The CWG notes that this is still work in progress with regards to the separation review. With regards to the framework, the CWG does specifically recommend that the framework is translated into a specific plan post-transition as further details need to be made available.

* There should be a cost estimate for the successor IFO, which should be benchmarked against current costs (ISPCP) – *DT O*

CWG response: The CWG is of the view that benchmarking should be done against the cost-estimates that ICANN finance is expected to provide (as expected by the CWG chairs) not the $2.3 M as suggested by the commenter. Please also refer to the recommendations made by the CWG in Annex Q of the proposal. As part of the implications of the proposal, the CWG may consider highlighting further impacts that may occur, with associated costs, as the result of the proposal.

**Section III – Proposed Post-Transition Oversight and Accountability – Root Zone Maintainer Function**

6 Comments

* Need to be consistent when referring to the NTIA authorization function (CENTR) – *DT F*

CWG response: Noted, the proposal will be reviewed accordingly.

* Treat frivolous redelegation requests with care (CENTR) – *DT F*

CWG response: Noted – there have been cases for redelegation requests that have affected the reputation of the registry that is being targeted. CENTR is looking for a recognition that one needs to be careful with what is published as it could impact the credibility of a registry that is under attack. The CWG will review the proposal and revise content to reflect this point.

* Same principles of accountability including oversight by the community should apply to RZM and that should be reflected in the current proposal. Any major change in software and new steps on the automation should be reviewed by the CSC. (AFNIC) – *DT F/DT C*

CWG response: The CWG notes that this refers to changes to the root zone environment which covers a number of steps and processes for significant changes. For minor changes that affect users IANA is expected to continue with the current practice of publishing these for public comment prior to implementation. The CWG notes that there is a provision in the CSC charter to work with registry operators and IANA on new software requirements. (note, updated language from DT F expected shortly which notes that consultation should be default in case of doubt. DT F focuses on changes to the root zone environment)

* IFO should check the accuracy of proposed changes. The study should be carried out between IFO and direct customers (Nominet) – *DT F*

CWG response: The CWG recommends that the latter point should go into the post-transition implementation list in section IV of the document. In relation to the former, the CWG understands that this pertains to manual changes (a manual change is a change request that does not use the automated system, e.g. fax, email, phone). For manual requests there already exists a secondary verification that is carried out by IANA, which the CWG expects to continue post-transition and may clarify as such in the proposal.

* A replacement of the approval function for changes to the root zone management architecture is needed. A new advisory committee which consists of experts should be created to deal with these. (JPNIC) – *DT F*

CWG response: The CWG notes that this approval function may only be necessary on an ad-hoc basis so that may not justify an established committee as it would create more bureaucracy and costs than it is worth. The CWG is considering recommending the creation of a standing committee that would evaluate the request and make a recommendation to the Board

* Not clear what is meant with ‘proposed entity’ (BC) – *DT F*

CWG response; CWG will clarify this point

**Section III – Proposed Post-Transition Oversight and Accountability – IANA Budget**

7 Comments

* Similar level of clarity can be delivered through ICANN internal divisions (auDA) – *CWG*

CWG response: The CWG agrees that clarity can also be delivered through ICANN internal divisions, but notes this has not happened to date although requested and moreover is not a fundamental reason for the proposed architecture.

* How would IANA functions be paid for if one of the operational communities would decide to end the relationship with ICANN (US Council for IB) – *CWG*

CWG response: The CWG notes that in the event that of any separation of the current activities, appropriate financial arrangements need to be made that do not result in further fees being charged to contracted parties and through them to end-users. The decision of an operating community, other than names, to separate from the IANA function is not within the purview of the CWG. The CWG observes the comments from the RySG which recommend that specific funding should be earmarked to ensure the continued operation of the IANA functions, noting that no additional fees should be charged as a result of the creation of PTI.

* Does not oppose, but notes a different approach to the budget in the numbers community (CRISP) – *DT O*

CWG response: CWG appreciates the feedback provided and notes there is no conflict between the two approaches.

* Consider InternetNZ experience with regards to budget development (InternetNZ) – *DT O*

CWG response: CWG appreciates the input provided and suggests that those steps be customised for how PTI is expected to develop its budget (as a best practice). Note that the ATRT2 also had recommendations concerning budget that might be applicable here.

* CWG will need to develop a proposed process for the IANA-specific budget review (CCWG) – *DT O*

CWG response: CWG agrees with the comment of the CCWG-Accountability chairs and notes that a process should be developed possibly as part of the implementation of the proposal. The CWG should consider whether there are any elements that should be developed as part of the final proposal.

* Need for a budget to support R&D should be included (ALAC) – *DT O / DT F*

CWG response: The CWG recommends that there needs to be flexibility to allow for spending related to R&D which would need to be covered as part of PTI operations (as also recommended by DT F). It is the expectation that these would be included in the draft budget which is expected to be presented 9 months in advance as part of the presentation of the proposed budget.

* PTI should be adequately funded and need to ensure that expenditures are appropriate – should be clarified (IPC) – *CWG*

CWG response: See previous response concerning adequate funding. Setting of budget between PTI and ICANN should happen in a transparent way, but no additional say for the community unless there are indications that there is not sufficient funding or “gold plating”, noting that there are also other mechanisms available to provide input on the budget, including the CCWG mechanisms.

**Section III – Implications for the interface between the IANA Functions and existing policy arrangements**

1 Comment

* Lack of details. Need to emphasize the absolute imperative of ensuring the separation between the policy development processes and the IANA functions (NCSG) – *CWG*

CWG response: CWG will review this section and update accordingly.

**Section IV – Transition Implications**

2 Comments

* Lack of detail – should include impact on community involvement, uncertainties about funding, the implications of the separation process and the effects of the CCWG-Accountability proposal. (RySG/RrSG) – *CWG*
* Lack of detail - implications and potential issues arising from acting to implement the proposal are critically important to any judgment about whether to endorse the proposal (IPC) – *CWG*

CWG response: This section is in development. As part of this work, the comments will be considered and incorporated as feasible.

**Section V – NTIA Requirements**

1 Comment

* Suggestions in relation to content for this section (RySG/RrSG) – *CWG*

CWG response: This section is in development. As part of this work, the comments will be considered and incorporated as feasible.

**Annex B – Oversight mechanisms in the NTIA IANA Functions Contract**

1 Comment

* CWG to replicate these oversight mechanisms (IPC) – *CWG*

CWG response: CWG agrees that there should not be a duplication of accountability mechanisms that are being developed by the CCWG.

**Annex C – Principles and Criteria**

1 Comment

* Suggestion to add to point 7 ‘be appealed by significantly interested parties. Furthermore they must give adequate guarantees of independence through uncostly procedures’. (Italy) – *CWG*

CWG response: The CWG notes that this document was the subject of significant discussion and compromise, so the CWG is hesitant to re-open the document at this stage.

**Other comments**

4 Comments

* Is it envisioned that PTI will operate the IANA functions as required by the numbers and protocol communities as well as the root zone management function? If so, how can some of this complexity be moderated to allow adequate space for other operational communities to participate, if they wish, while still keeping in line with the narrow technical scope of the IANA functions. (ICANN Board)

CWG response: The CWG proposal does not preclude PTI operating IANA functions as required by number and protocol communities. In fact, it implicitly assumes ICANN will use the services of PTI to serve the numbers and protocol communities. In many places, additional participation by other communities is already facilitated for but not presumed. Since the CWG is technically constrained to the naming community, this question may need to be further addressed by the ICG. Further we note that in their contributions to the public comment, the numbers and protocol communities did not see any fundamental conflict with this proposal and their respective proposals.

* What is the expected timeline for implementation (ICANN Board)

CWG response: CWG will need to respond in respect to the NTIA request to ICG to understand timelines. CWG is obliged to respond to the implications of the proposal in responding the RFP and in assessing those implications the CWG will make its best efforts to assess the timescales.

* What steps for escalation mechanisms and separation ensure meeting the criteria set out by NTIA and are there ways to manage that within the respective operational communities (ICANN Board)

CWG response: The CWG is committed to meet the criteria by NTIA and use those to against which to test the proposal.

* The proposal should be clear on the impact on delegation / transfer / revocation (LACTLD)

CWG response: CWG notes that IANA is committed to ensure that there are no changes from the customer perspective. The objective is to have zero negative impact. Removing the authorization step should actually increase the performance in several areas.

**Section III - Proposed Post-Transition Oversight and Accountability – SLEs**

5 Comments

* Is development of re-defined SLEs essential prior to transition ? Maintain status quo with continuous improvements post-transition. (auDA) *– DT A*

CWG Response: DTA is aiming to improve the existing SLEs as part of the final proposal, however, if not completed in time, there may be a number of guidelines to help inform subsequent work. The current draft of the proposal already includes a process for continuous improvement via review by the CSC as well as the IFRT.

* Transition plan should target further refinement of IANA productivity and efficiency (CENTR)

CWG Response: The current draft of the proposal already includes a process for continuous improvement via review by the CSC as well as the IFRT.

* Restrict work to what is currently necessary. It might be wise to postpone finalization of this work until later (SIDN). *– DT A*

CWG Response: DTA is aiming to improve the existing SLEs as part of the final proposal, however, if not completed in time, there may be a number of guidelines to help inform subsequent work.

* While it might be nice to increase commitments, this should be resisted unless there are clear operational reasons for change. There needs to be a clear statement on process to amend and update the SLEs post transition and in response to customer requirements. (Nominet) *– DT A*

CWG Response: DTA is aiming to improve the existing SLEs as part of the final proposal, however, if not completed in time, there may be a number of guidelines to help inform subsequent work.

* Metrics should be clearly specified as soon as possible. (Nominet) *– DT A*

CWG Response: DTA is currently working on this.

**Section III - Proposed Post-Transition Oversight and Accountability – CSC**

9 Comments

* RIRs would be willing to provide a numbers community liaison to CSC (NRO) *– DT C*

CWG Response: CWG appreciates the feedback and welcomes the offer to provide a liaison.

* Composition of CSC must be sufficiently MS so that CSC is not run by registries. Work needs to be transparent. Should be open to participants as well as members. (IPC) *– DT C*

CWG Response: As proposed, the CSC is open to liaisons from other parts of the community. The suggestion re. participants seems to be based on the current practice of CWGs, but it is not clear how this could be applicable to the CSC as the remit and size are intended to be kept narrow and small. CWG may need to consider how to further clarify difference between members and liaisons – members are required while liaisons are optional, while the contributions would likely not differ. DT C to consider providing further details for including in the final proposal. The CSC Charter also includes a selection process which means anyone can put forward an expression of interest.

* Constitutional documents for the CSC must make clear how to prevent inappropriate ICANN influence on the CSC or its functions can be assured. The GAC liaison should not be from the same entity as a government-operated TLD. (InternetNZ) *– DT C*

CWG Response: The CWG notes that the CSC charter would be the constitutional document and should take into account this element. Issue of GAC liaison may need to be further considered by the GAC.

* Concern about creation of new structure to perform these tasks – scope should be strictly technical, composition should be limited to direct customers and relevant experts or liaisons as the group sees fit. Roles of members and liaisons should be clearly defined. Overall membership should remain small. (Google) *– DT C*

CWG Response: CWG notes that these comments align with the CSC as proposed.

* Numbers community has separate mechanism for service level review, note the possibility of communication between two groups as needed (CRISP) *– DT C*

CWG Response: CWG appreciates feedback and welcomes this possibility of communication between the two groups. This may also be an issue to consider for the ICG.

* CCWG proposal acknowledges intention to create CSC, but it might be more appropriate for the CSC to develop specific Bylaw changes that might be needed. (CCWG-Chairs) *– DT C*

CWG Response: CWG to consider whether CSC is to exist under PTI governance model or as part of the ICANN structure – DT C did not consider this in detail as PTI did not exist at the time, but if it is to be recognized it should be in the ICANN Bylaws as part of an overall set of bylaws that would deal with how PTI/IANA is structured.

* Further clarity on organizational structure, including juridical profile as well as funding mechanisms of CSC needed (CENTR) *– DT C*

CWG Response: CWG notes that the organizational structure is defined in the proposed CSC charter. Travel funding was discussed, but the question was left open as the expectation was that most of the work would be carried out virtually, support is expected with regards to a secretariat.

* Budget allocation for independent secretariat should be foreseen (AFNIC) *– DT C*

CWG Response: Support is expected with regards to a secretariat, but this secretariat is expected to be provided by IANA/PTI (even if ICANN is paying) as in this way the CSC would have a well-informed secretariat.

* All deliberations and output should be transparent. CSC should not escalate to ccNSO or GNSO as these are policy bodies. (ALAC) *– DT C*

CWG Response: The CWG agrees that all deliberations and output should be transparent. Escalation is also being considered by DT M/C – DT M/C to provide further input on this issue.

**Annex G – Proposed Charter for CSC**

2 Comments

* Conflict between appointment of liaisons in accordance with internal processes and must be approved by CSC. Not clear how geographic diversity or skills sets will be taken into account. Do term limits and staggered appointment rules apply just to members? CSC charter should be approved by the community and not just ccNSO and GNSO. (ALAC) – *DT C*

CWG Response: See previous responses for some of these items. DT C to clarify appointment process: The full membership of the CSC must be approved by the ccNSO and the GNSO. While it will not be the role of the ccNSO and GNSO to question the validity of any recommended appointments to the CSC they will take into account the overall composition of the proposed CSC in terms of geographic diversity and skill sets.

* IPC would be represented by a singly individual representing the RySG, the NCSG and the CSG. CWG should rethink this so that global multistakeholder community can participate in the oversight role being handed on from the NTIA (IPC). – *DT C*

CWG Response: See previous responses in relation to this topic.

Further work by DT-C may address these issues in further detail.

**Section III - Proposed Post-Transition Oversight and Accountability - PTI**

15 comments

* Numbers community will not rely on PTI but do not foresee incompatibility with CWG proposal (NRO) – *CWG*
* IETF will not rely on PTI but continue the current arrangements with ICANN (IAB IANA Evolution) - *CWG*
* Existing IANA staff should transfer to PTI – asking a new and inexperienced entity outside of ICANN to perform the IANA functions could pose problems (US Council for IB, BC) – *CWG*
* Changed arrangements should not negatively impact on staff, to ensure continued funding of PTI, a percentage of registry fees should be earmarked for the performance of the IANA naming functions. (RySG/RrSG) - *CWG*
* Process for designing the PTI-IANA contract, including community consent, should be included (Swedish Government Offices) - *CWG*
* PTI should be full subsidiary of ICANN and should be fully controlled by ICANN (SIDN)
* Should structure (LLC/PBC) be left to implementation? (SIDN) *- CWG*
* PTI should be PBC and consider extending PTI membership to IETF and RIRs (NCSG)
* Technically, PTI cannot be a ‘wholly owned subsidiary’ if a non-profit corporation is used since such an entity cannot have owners (IPC) *- CWG*
* Clarification needed – in which areas will PTI be separate and in which areas are their shared services, need to clarify the roles and responsibilities of PTI Board vs. the ICANN Board (ICANN Board) *- CWG*
* What control mechanisms will PTI have in place? (ICANN Board) *- CWG*
* Complexities of PTI need to be addressed as well as questions concerning what power the Board has, who manages PTI staff and how extra budget requirements will be met (ALAC) *– CWG*
* Suggestions on budget management (AFNIC) – *DT O*

CWG response: PTI should develop and annually update a 4-year strategic plan, which should outline strategic priorities, while PTI should also have a yearly budget that is reviewed by the community. A fully approved budget should be developed on an annual basis. PTI should submit a budget to ICANN at least 9 months in advance of the applicable fiscal year. The ICANN Board must approve the PTI budget at least three months in advance of the fiscal year to ensure the stability of the IANA services. It is the view of DT O that the IANA budget should be approved by the ICANN Board in a much earlier timeframe than the ICANN Budget (similar to the special community budget request, for example). See also the comment by .nz. DT O agrees with AFNIC's suggestion for an annual independent financial audit.

**Section III - Proposed Post-Transition Oversight and Accountability – PTI Board**

15 Comments

* Mission of PTI should be strictly contained to the operation of the IANA registries. ICANN designated board with the minimum statutorily required responsibilities and powers is acceptable. (NRO) *– CWG*

CWG response: The CWG notes that is consistent with the current views of the CWG.

* PTI Board should have limited remit, only focused on implementation and technical expertise should be a key criterion for Board membership. (Google) *– CWG*

CWG response: The CWG notes that this is consistent with the current views of the CWG. CWG will consider making recommendations as to the skill set of Board directors. The function of the PTI Board is to operate the subsidiary to meet, at a minimum, the statutorily requirements for the subsidiary. In addition, the PTI Board will have to ensure that the PTI as the subsidiary performs to meet the conditions of the contract which will encapsulate all the SLEs and other requirements that PTI is expected to meet.

* PTI should be responsible for operational decisions of PTI, resource management and forward planning, as well as interaction with ICANN Board. PTI Board should be small with limited and targeted role. Clear definitions of roles and responsibilities of the two boards needed. (Nominet) *– CWG*

CWG response: The CWG notes that this is consistent with the current views of the CWG.

* Should PTI be agreed to, the PTI Board must be corporate in nature, holding relevant expertise (auDA) *– CWG*

CWG response: The CWG notes that this is consistent with the current views of the CWG. CWG will consider making recommendations as to the skill set of Board directors.

* PTI should have limited remit and PTI Board members should be drawn from the ICANN Board (BC) *– CWG*

CWG response: The CWG notes that the comment in relation to remit is consistent with the current views of the CWG. With regard to the latter point, the CWG will investigate whether ICANN Board members are considered ‘insiders’ or not from a legal perspective (legal input requested).

* PTI Board should not be largely representatives of registries, PTI should serve the overall Internet community (ALAC) *– CWG*

CWG response: The CWG notes that this is consistent with the current views of the CWG.

* ICANN should play a facilitating role in PTI Board selection, but should not be primarily comprised of ICANN staff who are not associated with the IANA department. Proposed composition: a majority from current IANA functions staff while a limited portion selected by communities. (Chinese Stakeholders) *– CWG*

CWG response: The CWG considered these exact features in coming to the proposed solution.

* PTI Board must be a board of directors, existing ICANN mechanisms should be used to populate PTI Board, if other operational communities join they should also select a member of the PTI Board, needs narrow operational focus. (InternetNZ) *– CWG*

CWG response: The CWG notes that the 3-5 construct that is being proposed would create an opening should other operational communities decide to join.

* PTI should be PBC and comprised of representatives from the names, numbers and protocol communities. PTI’s board should be small and operationally focused. PTI Board should be composed of a limited number of representatives from each of the supporting policy making organizations and the PTI itself. Selection and removal should occur according to processes by respective organizations (Internet Governance Project) *– CWG*

CWG response: The CWG is not in a position to appoint representatives from the other operational communities, but notes that the 3-5 construct that is being proposed would create an opening should other operational communities decide to join. The CWG considers the IANA function to be operational in nature and has been be mindful of that throughout. The CWG notes that all other aspects of this comments have been considered in its deliberations.

* PTI Board should have limited functions and duties, PTI Board should have relevant expertise, but does not need to have a majority of members appointed by ICANN (Centre for Democracy & Technology) *– CWG*
* PTI Board should be comprised of the ICANN board itself or a subset of ICANN Board members - *CWG*
* Mechanism for selecting board members should be community-wide discussed (ISPCP)
* Clarifying questions on PTI (to be provided in FAQ?) (CCG-NLU) *- CWG*
* PTI Board and IANA team should continue regular briefings and outreach to the wider community (Nominet) *- CWG*
* PTI should provide IANA registry services to names, numbers and protocols communities and the PTI Board composed of representatives from each of the organizations (NCSG)
* Clarification on proposal to ascertain whether there is any conflict with the numbers proposal (CRISP) *- CWG*

**Section III - Proposed Post-Transition Oversight and Accountability – IANA Function Review**

Notes from DT-N/SR

* **Composition:**

A large number of comments focused on the composition of the IFRT, though the “asks” varied widely. Some called for greater registry representation, some called for increased representation by Advisory Committees, others called for a balance between the GNSO/ccNSO participation. One comment called to remove the CSC liaison while another called for the entire CSC to participate and for 5 liaisons to be created. The structure proposed by the working group is an effort to balance between these different positions; we note that the structure was generally derived from the outcome of the intensive working weekend (then in the context of the MRT) that followed a survey of the working group on this topic.

* **Geographic Representation:**

Some comments called out for geographic balance in the representation of the IFRT. The DT supports this principle but notes that implementation is difficult for a group of this small size,

particularly where experience is key. To these ends we recommend that a principle that, to the extent possible, groups appointing more than one representative strive to have representatives from different geographic regions.

* **Frequency**:

Some comments called for reviews to be carried out more frequently. We generally feel that a review carried out every year or every other year (as called for by the comments) would be too frequent. However, we are open to suggestions made that a recommendation for the frequency of the regular reviews could be deferred to completion of the first review.

* **Outcomes of IFR:**

Some comments called for the outcomes of the IFR to be explicitly stated. While we believe that these should not be prescribed, the creation of a SCWG is identified as one possible outcome. We would be open to creating an inventory of other possible outcomes but would not want this work to confine the Review Team.

* **Appointment of the ccTLD Members:**

One comment called for the non-ccNSO ccTLD representative to be appointed by the ccNSO. We believe that the ccNSO is in the best position to appoint this representative and to communicate with all ccTLD operators about the process. We support clarifying this in the draft comment.

* **Scope of IFRT:**

One comment requested clarification that this applies only to the Naming Functions. It is the intention that the IFRT will apply only to the Naming Functions. We will ensure that this is clarified in current drafts.

* **Home of IFRT:**

Some comments raised concerns about the possibility of the IFRT sitting inside PTI and/or supported by PTI. The intent of DT-N was to have the IFRT exist within ICANN and to be defined in the ICANN Bylaws. We will make this clearer in the current draft. We will also clarify that ICANN will provide secretariat and other support services for the IFRT.

* **Details Around Separation Review:**

Several comments called for more detail to be inputted about the Separation Review. We note that significant work has been carried out since the Draft Proposal to further define the separation process/mechanism (the SCWG). These processes encompass some of the sub-recommendations with respect to separation (e.g. community consultation)

* **Role of the ICANN Board**:

Some comments expressed concern about the role of the ICANN Board in the processes of implementing IFRT Recommendations or in the Separation Process. We note that this role has been limited to ICANN Board approval, which we believe is requisite in both instances. To address related concerns, in the revised process details have been added that rejection of these recommendations would have to be handled by the board in accordance with the thresholds and procedures for rejecting the output of a PDP.

* **Separation Costs:**

Some comments dealt with concerns about how IANA expenses would be covered following a separation process. DT-N supports this recommendation. We look to the full CWG for a determination on where this issue is best resolved (DT N, DT L, DT O or full CWG).

CWG response: Regarding operation costs, the CWG notes the RySG suggestion to have a sufficient portion of registry fees dedicated to the IANA services. The CWG also recognizes that there would be transition costs and ongoing operation costs related to the possible selection of a new operator, which are expected to be covered by ICANN. The CWG will review the proposal and clarify accordingly.

24 Comments (one comment is misaligned to section separation review)

* The separation review and framework should be fleshed out and clarified before the transition and not left for a later stage. An interim process should be included on handling of issues related to IANA functions performance. (AmCham EU) *– DT N*
* Consider adding term-limit language concerning the selection of the IFRRT to ensure diverse participation. An interim process should be included on handling of issues related to IANA functions performance. (US Council for IB) *– DT N*
* The IFR should occur every 1-2 years, not every 5 years. (Rui Zhong) *– DT N*
* Periodicity should be more flexible – the schedule could be fixed after the first IFR (ISPCP) *– DT N*
* IFR should be every year in the immediate period after transition and every 2 years in post-transition regime (DCA Trust) *– DT N*
* Further details need to be provided on where and how CSC and IFRT are going to be established, IFO support for IFRT might undermine independence (CENTR) *– DT N*
* CWG should simplify and expedite the IFR process and to develop a clearer, more efficient re-bidding and selection process (Internet Governance Project) *– DT N*
* What will be the consequence of an unfavorable IFR (CCG-NLU) *- CWG*
* Need to include mechanism to ensure that ICANN acts on the IFRT recommendations (Google) *– DT N*
* PTI should not provide secretariat, Board should not have the ability to reject IFR recommendations (Centre for Democracy & Technology) *– DT N*
* IFR must be allowed to review the CSC, composition must allow for having at least one alternate per stakeholder. Does IFR only concern naming? (ALAC) *– DT N*
* IFRT should be defined more clearly (BC) *– DT N*
* Composition of IFRT should be multistakeholder and not be dominated by registries. IFRT Should be open to participants as well as members. (IPC) *– DT N*
* Composition is skewed towards GNSO – what of non-GNSO representation? GAC and ALAC should each have regional representatives to the IFRT. (NIRA) *– DT N*
* IFRT should bring in a strong representation from operational communities (Nominet) *– DT N*
* CSC should be included as participant in the separation review and appoint 5 people or at least a couple of liaisons to the review (Digilexis) *– DT N*
* IFRT should be more balanced, having as many registry appointed members as non-registry appointed members. Mechanism by which a decision will have significant changes with regard to IANA should include opportunities for the registries to veto those changes – to be arranged by CCWG. (SIDN) *– DT N*
* Sufficient consideration should be given to geographical balance of IFRT (KISA) *– DT N*
* Proposed changes to membership: ccNSO – 3, non ccNSO – 1, GNSO 4 (AFNIC) *– DT N*
* Support for IFR but both ccTLD and gTLD registry representation should be increased to three members from each group. Has the CWG considered circumstances where support is received from one community and not the other? Would such circumstances lead to the refusal to proceed with a special review? Does this then in turn mean that the threshold for commencing a special xc review has been set too high? (auDA) *– DT N*
* There should be at least three representatives of ccTLD and gTLD registries, without allowing registries to become a majority of IFR’s members. PTI should not provide the secretariat for the IFR, but could be done through ICANN (InternetNZ) *– DT N*
* The ccNSO Council should be responsible for selection ccNSO members, including non-ccNSO aligned ccTLD manager, provided that relevant knowledge and experience present themselves (CIRA) *– DT N*
* The IFRT should include non-members of the ccNSO and that a special review can be triggered by non-members, idem for any structure and processes around reviews (DIFO) *– DT N*
* No need to include a CSC liaison (AFRALO) *– DT N*

**Annex F – IANA Function Reviews**

3 Comment

* Need to ensure transparency and limited scope (RySG/RrSG) – *DT N*
* Concerns about composition – suggestion to increase registry representation to four members each for both ccTLDs and gTLDs. (Nominet) – *DT N*
* Concerns about proposed composition – participants from IPC should be allowed to participate as currently there is only one seat for CSG which does not foresee a seat at the table for the IPC (IPC) – *DT N*

**Section III - Proposed Post-Transition Oversight and Accountability – Separation Review**

11 Comments

* Lack of details (auDA) – *DT X/SR*
* Lack of details (Google) – *DT X/SR*
* Lack of detail, mechanisms to accomplish separability should be explicitly included (US Council for IB) – *DT X/SR*
* Lack of details. Uncomfortable with role of the Board. (Centre for Democracy & Technology) – *DT X/SR*
* Details must be developed and should be subject to community consultation before the proposal is finalized, IFR should lead to community convened CWG – not by ICANN Board, no role for Board in approving decision for RFP (InternetNZ) – *DT X/SR*
* Proposal should more clearly layout the process by which separation of the IANA function from ICANN could be effected. Separation should only occur after significant consultation with the community (CIRA) – *DT X/SR*
* Separation review should only occur if it is supported by a majority of the direct customers of the IANA naming functions. Registries are underrepresented in CWG – weighted representation by registries should be used. (RySG/RrSG) – *DT X/SR*
* Separation review should only be started following an open consultation and with the support of the ccNSO and RySG. RT should include strong representation from registires. (Nominet) – *DT X/SR*
* IFRT should make a recommendation regarding separation of other measures, these recommendations should then be subject to GNSO/ccNSO approval, Board approval and if ICANN is reconfigured, as a membership organization, Members approval. This should then trigger a separation process with a MS CWG running that process. (IPC) – *DT X/SR*

**Annex L – Separation Review**

1 Comment

* No good reason why PTI would transfer out of ICANN. Should separation of IANA functions operator role from ICANN be necessary, this should be through an RFP led process and the ICANN PTI subsidiary/affiliate should be wound up. Need for process for the development of the RFP. (Nominet) *– DT SR/X)*