

CWG Chairs notes on the IANA IPR Issue

From Number Resources Response to the ICG RFI

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There are several intellectual properties related to the provision of the IANA services whose status should be clarified as part of the transition: the IANA trademark, the IANA.ORG domain name, and public databases related to the performance of the IANA Numbering Services, including the IANA Numbers Registries.

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With regards to the IANA trademark and the IANA.ORG domain, it is the expectation of the Internet Number Community that both are associated with the IANA Numbering Services and not with a particular IANA Numbering Services Operator. Identifying an organization that is not the IANA Numbering Services Operator and which will permanently hold these assets will facilitate a smooth transition should another operator (or operators) be selected in the future.

It is the preference of the Internet Number Community that the IANA trademark and the IANA.ORG domain name be transferred to an entity independent of the IANA Numbering Services Operator, in order to ensure that these assets are used in a non-discriminatory manner for the benefit of the entire community. From the Internet Number Community's perspective, the IETF Trust would be an acceptable candidate for this role.

The transfer of the IANA trademark and IANA.ORG domain to the IETF Trust will require additional coordination with the other affected communities of the IANA Services, namely, protocol parameters and names. It is the preference of the Internet Number Community that all relevant parties agree to these expectations as part of the transition.

From the ICG Proposal

Para X013

The ICG identified a potential compatibility issue regarding the IANA trademarks and the iana.org domain name. The numbers proposal detailed specific requirements related to IANA intellectual property, whereas the other two proposals are silent on this issue. As long as the other two communities can accommodate the specified requirements as part of their implementation, then the implementation of the proposals will be compatible. The ICG expects the operational communities to continue to coordinate on this topic during the implementation phase to ensure that the requirements are met.

Para 12

The numbers community further proposed that the trademarks and domain names associated with the provision of the IANA services be held by an entity that is not the provider of the IANA numbering services, the IETF Trust being suggested as the repository.

Para 34

The ICG identified a potential compatibility issue regarding the IANA trademarks and the iana.org domain name. The numbers community proposed that the trademarks and domain name associated with the provision of the IANA services be held by an entity that is not the

provider of the IANA numbering services, the IETF Trust being suggested as the repository. Although the protocol parameters proposal did not speak to this issue, in response to an ICG inquiry the protocol parameters community indicated that it had no objection to the IETF Trust serving as the repository for the trademarks and domain name associated with the provision of the IANA services.

Para 35

The names proposal contains text that refers to the trademark in Annex S. In response to an ICG inquiry about the text, the CWG indicated that the text is clearly defined as placeholder text (in square brackets) within an initial draft proposed term sheet that does not have the consensus support of the CWG. In effect, the names proposal does not make a specific proposal with regard to the IANA trademarks (and it is completely silent as regards the domain name). Thus, the ICG considers the three proposals to be compatible in this regard, as the numbers proposal is the only one of the three proposals that includes requirements related to IANA intellectual property. As long as the other two communities can accommodate the specified requirements as part of their implementation, then the implementation of the proposals will be compatible. The ICG expects the operational communities to continue to coordinate on this topic during the implementation phase to ensure that the requirements are met.

From the Sidley Memo to the CWG

Per the CWG Final Proposal, PTI will be the IANA functions operator. The Internet Number Community, through CRISP, has recommended that ownership of the IANA IPR not be held by the IANA functions operator in order to facilitate a smooth transition should another operator be selected in the future and to ensure that these assets are used in a non-discriminatory way. Therefore, housing the IANA IPR with ICANN would be consistent with the Internet Number Community's separation recommendation (albeit not with their specifically-recommended form of an independent trust as discussed in Scenario 3 below).