Sidley Draft: May 6, 2015

DA revised May 7 2015

“Punch List”/Open Items on Post-Transition IANA Model Items for CWG Discussion and Input

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|  | **Task** | **Responsible Group/ Relevant Design Team** | **DA Comment** |
| **IANA Function Review (IFR)** | | | |
| 6. | Proposal contemplates that a Special Review may also be initiated by TLDs on concerns raised by TLDs directly with the ccNSO or the GNSO. (Section III.A.i.d.) | DT-N | Do we have any views on this? |
| ***Customer Standing Committee (CSC)*** | | | |
| 11. | Composition: who will select the TLD representative that is not a ccTLD or gTLD registry? (Annex G, page 59) | DT-C | An Expression of Interest can be submitted to the RySG and they will follow up with respective entity. |
| 12. | Full membership of CSC is approved by ccNSO and GNSO. By what percentage? (Annex G, page 60) | DT-C | Should we make this approved by ccNSO and GNSO Council. Takes away from requiring a percentage. |
| 13. | If ccTLD or gTLD representative is recalled, can meetings continue before a replacement is named? (Annex G, page 60) | DT-C | Yes, best practice would be to have someone in place, but meetings can continue with a caveat that replacement be made available within 3 months. |
| 14. | Determine how CSC will decide on who will be liaison to IFR. (Annex F, page 52) | DT-C | The CSC Chair, however if for whatever reason the Chair is not available, the CSC will call for a volunteer. If two or more volunteer a vote of the whole of the CSC will be undertaken.  Q: Does the Liaison have to be a registry operator? |
| 15. | Proposed Remedial Action Procedures is noted as item to be agreed upon by CSC and PTI. Will this happen prior to transition? (Annex F, page 62) | DT-C | No, how can it?  Recommend that this be |
| 16. | IANA Problem Resolution Process: contemplates that CSC can escalate to ccNSO and GNSO which may then decide to take further action “using agreed consultation and escalation processes”. What will these processes be and is anything contemplated beyond a Special Review? (Annex J, page 68) | DT-C | I wonder if we should make this ccNSO and GNSO Councils. They would need to establish a process for consulting and making a decision. I don’t contemplate anything beyond a special review. |
| **ICANN/PTI Contract; Statement of Work and SLEs** | | | |
| 17. | Determine to what extent the ICANN/PTI contract will be enforceability mechanism (vs. CSC, IFR or other ICANN accountability mechanisms). (Section III.A.i. and Section III.A.i.c. See also Annex F) | CWG | We may want to discuss this. |
| 18. | Determine which rights under the existing NTIA contract will be implemented in the ICANN governance documents and which will be in the new ICANN/PTI contract. (Section III.A.i.c.) | CWG |  |
| 19. | Determine who will have the right to trigger remedies for breaches of, and otherwise enforce, ICANN/PTI Contract (i.e., will PTI Board exercise this right or will this require CSC or IFR). (Sections III.A.i.b, c, and d) | CWG |  |
| 20. | DT-A SLE documentation following receipt of additional IANA documentation. (Section III.A.ii.b. and Annex H) | DT-A |  |
| **Escalation mechanisms** | | | |
| 21. | Who does ccNSO/GNSO escalate unresolved issues to? Will there be an IRP process? (Section III.A.ii.a. and Annex J, footnote 22) | DT-M | Do we have any thoughts on this? |
| 22. | Additional detail on how a persistent performance issue/systemic problem will be defined (e.g., discretion given to CSC or some principles-based standard)? (Section III.A.ii.c.) | DT-M and DT-C | Do we have any thoughts on this?. |
| 23. | Customer complaints, Phase 2: additional detail on customer mediation process and ability to initiate an IRP. (Annex I, page 66) | DT-M and DT-C | Individual customer remediation is not a role for the CSC. |
| 37. | Customer Standing Committee (CSC) – A CSC should be created and empowered to monitor the performance of the IANA functions and escalate non-remediated issues to the ccNSO and GNSO. The CSC should be contemplated by the ICANN bylaws. If not currently within the mandate, the ccNSO and/or GNSO should be empowered to address matters escalated by the CSC. Section III.A.ii.a.; Annex G and Annex J) | CWG | *Note: Continue to monitor* |