

Good evening:

Thankyou Guru Acharya for these observations and recommendations. However I must say that the NTIA document C.7.3 does appear to be somewhat redundant.

If I am not mistaken, that text appeared only one year ago (April 2014), whereas the NTIA IANA contract with ICANN has been there since 1998. How did they manage before without such document for more than fifteen years? Including one if not two occasions when NTIA suspended renewing the contract during a re-negotiation.

More generally, as I have already observed, this is not an exclusively US Administration 'call'. Should NTIA have sought to reallocate the IANA contract to a different successor contractor, then quite extensive international consultation would have ensued. I believe that to be still the case because a wide range of global stakeholders were involved with the early decisions regarding the creation of ICANN and its relationship with IANA.

Thus, it is not surprising that this C.7.3 document appears to be rather superficial. Nobody really expected IANA to transition away from ICANN, on that basis or any other.

Turning to your more specific points:

#### **Training & Overlapping Time Period:**

*The transition document does not mandate an overlapping time period wherein the old operator would be required to assist and train the employees of the new operator . . . .*

You have put your finger right on the practical issue that would make it most unlikely that such a transition could be made to work. The new operator would have presumably have been identified (by who?) following an RFP, in which it would have been essential for tenderers to demonstrate that they were already fully qualified. Not that they might become qualified following training etc.

Meanwhile IANA users would expect stability and security to be maintained without reference to whoever was the operator.

#### **Website & IPR:**

*The transition plan only requires the old operator to share the data that is publicly available on the website. It does not require the operator to transfer the website itself (iana.org). It is also silent about the assignment of associated IPR. For example, IANA is a registered trademark of ICANN. Similarly, ICANN has a copyright on all documents produced by the IANA staff.*

My limited experience of US trademark law would suggest that under these circumstances, ICANN could indeed frustrate the transfer of the website and trademarks. (Curious that ISI.EDU did not register the IANA trademark long before the initial transition to ICANN. Perhaps they did.)

**Root Zone Key:** *The transition of responsibilities for root zone key is in a separate document that is currently not available with us. As an action item, we should request the IANA staff for this document or file a DIDP request for it.*

My understanding is that the security surrounding the Root Zone Key is quite thorough and well protected. In which case, ICANN/IANA may be cautious about what they make available at this stage. I would not be surprised if it turns out that there is not a 'single' document.

## **Software and Machinery:**

*The transition document only requires the old operator to provide a description of the functional requirements of the software and APIs. It excludes transfer of the existing software and the existing essential machinery that is used by the old operator. This may have serious stability and security implications . . .*

. . . which might turn out to inhibit any such transfer in the first place. Furthermore, if the rationale for a transfer were to be that there had been failures in service levels, one would need to establish (by whom?) whether or not such failures were embedded in the software and machinery, before demanding simple transfer of same.

## **Breakup of IANA:**

*The transition plan does not address the possibility that IANA may be broken into three smaller IANAs in the future. The associated issues need to be addressed.*

That option should not be on the CWG agenda. Quite apart from the additional costs that would impose on the communities concerned, and their users, the basic architecture of the necessary multistakeholder oversight of the Internet infrastructure functions could not accommodate such a 'split' in the short run and with great difficulty in the longer term.

## **Old data:**

*The transition plan should require the old operator to permanently delete all data. If the old operator retains any data that it no longer requires, then it should continue to provide the requisite security for maintaining the data.*

Deleting data is asking for trouble in the future. Continuity, comparability and availability of data are essential for several aspects of managing the IANA function, irrespective of the formal structure adopted post-transition.

## **Holistic View:**

*A systematic transition plan will typically address associated HR issues, legal issues, procurement issues, IT issues, cultural issues, finance issues and finally also develop a proper Gantt chart with estimated timelines.*

See above.

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