Domain Name Association
Comment on the IANA Oversight Transition Process

Call for Public Input: Draft Proposal, Based on Initial Community Feedback, of the Principles and Mechanisms and the Process to Develop a Proposal to Transition NTIA’s Stewardship of the IANA Functions

I. Summary
The Domain Name Association represents the interests of the domain name industry, including country code Top Level Domain (ccTLD) and generic Top Level Domain (gTLD) registry operators - those with first hand experience working with the IANA function and well positioned to aid in the design of a transition process.

The four direct customers of IANA and consequently those most directly affected by the NTIA announcement, (that is the IETF, the RIRs, ccTLD operators and gTLD operators) should be afforded the opportunity to independently develop an oversight mechanism that would replace the current role of the USG. These draft proposals would serve to inform the community discussion and keep it focused. It would also allow for the development of a more coherent and targeted process.

II. Scope
The scope should be kept narrow and simple. There is a theme in part of the public debate to increase the number of topics that must be settled in this discussion. If a topic captures some aspect of community interest but is not currently and specifically an NTIA oversight task, the topic should be discussed outside the transition process. Increasing complexity increases the likelihood that a consensus will not be reached.

Implementation of accountability measures (e.g., demonstrable achievement of key performance indicators and pre-launch testing) is an important pre-requisite to launching the new oversight mechanisms.

III. The lack of TLD representation must be corrected
The Domain Name Association represents the interests of the domain name industry, including ccTLD and gTLD registry operators.

ccTLD and gTLD operators are IANAs largest direct partners / customers; there will be close to 1600 TLDs soon. As part of this, gTLD operators alone will be IANA’s largest customer set with over 1300 members, representing over 1000 IANA requests a year. Similarly, ICANN and TLD accredited registrars form a critical part of the infrastructure: an integral part of the successfully management, registration and resolution of domain names.
The current ICANN proposal for fashioning an oversight transition plan essentially excludes gTLD operators from direct input. For example, there are no gTLD operators on the steering committee, nor is there any other mechanism for taking direct input.

The proposal was published after ICANN Board member, Ray Plzak, stated in the ICANN Singapore meeting, “we don’t have the equivalents from the name world sitting at the table. The point is that the registries should be engaged in a much better manner than what they are now, they are under-represented in this.”

The multi-stakeholder process works well, and it will work in the IANA transition, because there is direct, unfiltered access to experts in every field. For the case of the IANA transition, those experts are IANA’s customers: RIRs, the IETF, ccTLDs and gTLDs, those with first-hand experience working with the IANA function and well positioned to aid in the design a transition process.

Developing the transition process has to be customer focused and rely upon the expertise of those with first-hand experience. If the Steering Committee is retained as part of the model, the membership should include equal numbers of ccTLD operators and gTLD operators (as well as RIRs and IETF representatives). While the input of other community groups is important and vital to the process, “they are not adequate substitutes for registry stakeholders with respect to processing root zone change.” (See, ccNSO Council comment http://mm.icann.org/pipermail/ianatransition/2014-May/000894.html.)

IV. The proposed process is not defined and unclear

Given how rushed and unstructured the public dialogue on the matter has been to date, immediately moving toward a steering committee model without indications of how broad based, targeted community discussion will continue throughout the oversight mechanism development process is concerning. As the process is currently defined:

1. the Steering Committee will read and hear many, many public comments from many sources, and
2. then be left to design the mechanism out of the thousands of public comments.

Other than the formation of the Steering Committee, there are no defined processes or criteria to guide the creation of the oversight mechanism. There are also no timelines or milestones that progress issues from comment towards a consensus-based mechanism. There are no templates, no way of organizing comments, and no method for developing consensus.

The Steering Committee should not define the process or invent important process details after community input is closed. As more detail is developed, it is important that the recommendations come from the community and stakeholder groups, with ICANN staff and the Steering Committee providing resources and support.
The lack of a clearly defined process presents serious risk. If the Steering Committee becomes the de facto author (rather than the facilitator) of the process or creates an oversight mechanism absent the creation of a considered and well-understood process, there will be legitimate claims that the mechanism and the process for creating it were not transparent, consensus-based, representative, and were not developed through a multi-stakeholder model.

These claims could serve to defeat the new mechanism and, worse, reflect poorly on the ICANN implementation of the multi-stakeholder model for Internet governance.

V. The following or similar process points should be included in the proposal

These recommendations are intended to provide specific process points, milestones, and deliverables so that the oversight mechanism development can be scheduled and measured. While schedules will inevitably need to be modified, in an open and transparent process it is important to have specific tasks laid out in an order that will result in a consensus-based oversight mechanism.

– As stated above, the development of the oversight mechanism will benefit from unfiltered input from IANA’s direct customers / partners: the RIRs, the IETF, ccTLD operators and gTLD operators. Each of IANA’s direct customers participates in a process unique to them, requiring different degrees of oversight. Each of them (RIRs, IETF, ccTLDs and gTLDs) should be invited to submit a proposal for an oversight mechanism. Each proposal should merit the consideration of the community and have its own public comment process.

– Each direct customer should collaborate with its important stakeholder groups. For example, gTLDs should collaborate with registrars to develop a model, and then with the GNSO. The form of these collaborations / reviews should be determined by the parties involved.

– The gTLDs and ccTLDs should meet to understand the differences in their models and take the best of the thinking into both models. Similarly, a larger collaboration could arrive at a set of best practices across the suite of oversight mechanisms.

– ICANN should also fund a community-driven session to develop recommended elements of the oversight mechanism or a potential oversight mechanism. Community dialogue could also be summarized and sent to each of the customers.

– The public comment forum should be organized into a template to focus the input and facilitate the categorization and summarization of comments. Categories of comments could include: elements of accountability reviews, key performance indicators, aspects of oversight for any one IANA customer, reporting, or test scenarios for proposed oversight mechanisms.

– Steps in the public comment process should: first inform the development of models by the community and by the direct customers; and second review and refine the proposals developed.
For an example of what a process for creating a mechanism might look like:

VI. **The Steering Committee membership selection process is not representative**

Steering Committee members should be self-selected by their organizations and not selected by the ICANN Board Chair and GAC Chair. Selection by just two people will skew the results and result in a lack of diversity of views. A community-based process requires nominations for representation by the community.