

CRISP Team Response to the IANA Stewardship Transition Coordination Group (ICG) Call for Public Comment on IANA Stewardship Transition Proposal

Introduction

The Consolidated RIR IANA Stewardship (CRISP) Team provides the following responses to the call for public comment on the combined IANA Stewardship Transition Coordination Group (ICG) proposal. The CRISP team has reviewed the combined proposal incorporating the proposals from the three respective operational communities and responds to the questions below accordingly. These comments are focused on the Internet numbers component of the combined ICG proposal.

The CRISP Team is a team composed of three representatives from each of the five RIR regions. It was established in 2014 to consolidate the output of discussions in the regional communities on the IANA stewardship transition, and to develop a single proposal from the Number Community. This proposal was submitted to the ICG in January 2015. The CRISP Team will remain in place until the completion of the transition process. For more details, see: <https://www.nro.net/nro-and-internet-governance/iana-oversight/consolidated-rir-iana-stewardship-proposal-team-crisp-team>

1. Completeness and clarity: Is the combined proposal complete? Each of the operational community proposals contains aspects to be completed in the future when the proposal is implemented. Is the combined proposal specified in sufficient detail such that it can be evaluated against the NTIA criteria?

Yes, we believe that the draft ICG proposal is complete and clear. Stewardship structures and mechanisms for all of the IANA functions are described in the draft proposal, as are the principles and criteria needed to implement the proposal for each of the IANA functions.

The protocol parameters component clarifies that the existing mechanism for stewardship of the protocol parameter registries can continue in the absence of NTIA oversight, while the names component describes in detail the structures to be established around a "Post-Transition IANA" (PTI) including the PTI Board, Customer Standing Committee (CSC), IANA Function Review Team (IFRT), and the criteria for the IANA Function Review (IFR).

For the IANA Numbering Services, the proposal specifies that a number of items will need to be implemented prior to the expiry of the NTIA contract, specifically the finalization of the SLA, establishment of the Review Committee, and resolution of the

management of the IANA-related Intellectual Property Rights (IPR). Quoting the Number Community proposal, the ICG draft lays out the principles that will underlie the SLA and the role and the composition of the Review Committee.

The ICG has noted one exception, specifically that the names proposal is complete only on the condition that specific ICANN-level accountability mechanisms, currently under development by the Cross Community Working Group on Enhancing ICANN Accountability (CCWG), are fulfilled as specified in the names proposal.

We note that CWG and CCWG are coordinating to ensure that the CCWG's output will take account of any dependencies identified in the CWG proposal and relating to the names related functions. We trust that any issues with regard to this coordination will be resolved in a timely fashion.

With regards to the IANA Numbering Services, there are no dependencies on the accountability mechanisms developed by the CCWG. The Number Community proposal establishes robust accountability mechanisms via a Service Level Agreement (SLA) between the Regional Internet Registries (RIRs) and the IANA Functions Operator (Operator) and the existing structures ensuring the RIRs' accountability to their communities. The proposal for stewardship of the IANA Numbering Services is complete with no other external dependencies.

For completeness and clarity specific to the IANA Numbering Services, based on the number community proposal, the draft SLA text and the Review Committee draft charter are already under development and discussion in the Number Community, with agreed documents expected ahead of implementation of the full proposal. This demonstrates that the proposal provides details sufficient to prepare for the implementation of the IANA stewardship transition.

2. Compatibility and interoperability: Do the operational community proposals work together in a single proposal? Do they suggest any incompatible arrangements where compatibility appears to be required? Is the handling of any conflicting overlaps between the functions resolved in a workable manner?

Yes, we believe the operational community proposals work together in a single proposal, with no issue of compatibility and interoperability. While the three communities did not produce identical proposals on how to handle the IANA functions, each of the three IANA function is basically independent with minimum overlap. In areas where potential incompatibility were anticipated, such as on Intellectual Property Rights (IPR) and establishment of the Post Transition IANA (PTI), we believe all three communities have worked to ensure that the structures and mechanisms proposed in their submissions do not conflict.

We would like to stress that the Number Community commits to continue coordinating with the other operational communities during, and after the

implementation phase to ensure that the requirements are met as described in the ICG proposal.

Following are some observations by the CRISP Team on the issues concerning IANA Intellectual Property Rights (IPR) and establishment of the Post-Transition IANA (PTI) are described below.

Intellectual Property Rights (IPR):

In the course of developing the combined proposal the ICG identified a potential compatibility issue regarding handling of the IANA trademarks and the iana.org domain name. We agree with the ICG's assessment: as long as the names community and the protocol parameters community can accommodate the requirements specified in the Number Community proposal as part of their implementation, there is no obstacle to the implementation of all three proposals.

The Number Community stated a clear expectation that "both [the IANA trademarks and the iana.org domain] 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."

The proposals from the other two communities do not make a specific proposal with regard to the IANA trademarks and domain name. In response to the ICG inquiry, the protocol parameters community stated 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, an acceptable solution stated in the Number Community proposal. The IETF Trust formally acknowledged their willingness to hold the intellectual property rights relating to the IANA function, including the IANA trademark and the IANA.ORG domain name.

We note the ICANN Board statement by Steve Crocker on 15 August 2015, supporting the ICG proposal and stating that ICANN is prepared to transfer full ownership of the IANA-related trademarks and ownership of the iana.org domain to a neutral third party mutually agreed among the operational communities. The CRISP Team chairs have responded that we believe that this allows the implementation of the IPR-related parts of the IANA Stewardship transition to be consistent with the Number Community proposal.

We believe the ICANN Board statement further strengthens the combined IANA Stewardship Transition Proposal.

Establishment of the Post Transition IANA (PTI):

The names community proposes the creation of a new organization to manage all IANA functions, namely the PTI. Such a structure was not proposed by the other communities. However, we do not believe this creates an incompatibility for the other

communities. The Number Community proposal for the RIRs to sign an SLA with ICANN is still possible to implement, and therefore still workable.

Further, as a part of the composition of the PTI, the names community proposes creation of additional committees aimed at reviewing service levels and providing operational oversight (namely, the IFRT, special IFRT and the CSC).

The Number Community requires no additional reviews or organizational structures beyond the Review Committee that is specified in the Number Community proposal. However, because the scope of the activity of these new structures is limited to the IANA naming function, we see no overlap nor do we see any incompatibility.

3. Accountability: Do the operational community proposals together include appropriate and properly supported independent accountability mechanisms for running the IANA functions? Are there any gaps in overall accountability under the single proposal?

The CRISP Team observes that, when combined, the proposals from the three communities include appropriate and properly supported independent accountability mechanisms for management of all of the IANA functions. Each of the IANA functions is accountable to different, independent operational communities, and overall accountability is therefore addressed by the combination of the accountability mechanisms defined by the three operational communities. We do not observe any gaps under the ICG proposal.

The Number Community's approach to addressing accountability is based on a contractual relationship between the RIRs and the IANA Numbering Services Operator and the ability to choose another Operator if the need should arise. This relationship is governed by a Service Level Agreement (currently in development), based on 11 IANA SLA Principles outlined in the Number Community proposal. This SLA is currently being developed and discussed and contains contractual provisions ensuring that the Operator meets specified service level requirements.

This is based on the RIR community's well-tested, longstanding, community-driven and mature accountability mechanisms and processes. When considered alongside the accountability mechanisms proposed by the names and protocol parameters communities, the ICG proposal clearly ensures that the IANA Functions Operator will be strongly held accountable to the global community. Further, the potential accountability gap for the names related IANA function is dependent on, and addressed in, the work of the CCWG. We observe CWG and CCWG are closely collaborating to ensure all issues are covered by clarifying area of accountability issues related to the names function, to be covered by its respective groups.

4. Workability: Do the results of any tests or evaluations of workability that were included in the operational community proposals

conflict with each other or raise possible concerns when considered in combination?

We support the ICG assessment that the three proposals constituting the combined proposal are individually and collectively workable. The day-to-day operation of each of the IANA functions are independent, and this proposal does not propose any new technical or operational processes that may raise concerns when considered in combination. Further, we do not observe elements of the proposal the other two IANA functions would cause concerns on workability for the IANA Numbering Services when considered in combination. The CRISP Team observes that the operational community proposals do not conflict with each other in terms of workability when considered in combination.

In terms of other elements relating to implementation to the number community proposal, the drafts of the SLA and the Charter of the Review Committee do not have any conflicts or incompatibility with the ICG proposal.

As noted in the Number Community proposal there are areas of overlap in the IANA registry system today, where coordination is necessary to avoid conflicts. There is a track record of effective collaboration among the operational communities in coordinating on such existing issues and there are no changes to these areas as a result of the ICG proposal.

Considering the Number Community component of the proposal on its own, it builds on the methods and processes that have long been in place, which are well documented, and which are operationally effective for the IANA Numbering Services, which should not affect the other two functions on its workability.

5. Do you believe the proposal supports and enhances the multistakeholder model? If yes, please explain why. If not, please explain why and what proposal modifications you believe are necessary

The CRISP Team strongly believes, in agreement with the ICG, that the proposal supports and enhances the multistakeholder model. Each of the operational communities has proposed a mechanism of oversight by their respective communities relevant to each of the IANA functions. All three of the operational communities have proposed transition of the IANA functions stewardship to entities that those communities recognize as representing them. These communities, while there are difference in the process and how the communities operate, they all share in common to be open to and reflect the input of a wide group stakeholders.

As stated in the Number Community proposal, this stewardship transition is an important step in acknowledging the maturity, stability and success of the multistakeholder governance model.

On the IANA Numbering Services, we agree with the description of the RIR structure, its long-established governance mechanisms, and open participatory

process for policy development. The CRISP Team developed the Number Community proposal following an open and transparent process to which all stakeholders could contribute. The process ensured that anyone with an interest was given the opportunity to participate in the discussion and compilation of the Number Community proposal. The CRISP proposal introduces improvements in transparency and accountability related to performance of the IANA Numbering Functions, enhancing the Number Community's multistakeholder processes through the establishment of the Review Committee, which will facilitate members of the five RIR communities providing advice to the RIRs on the service level of the IANA Numbering Services and performance of the Operator.

6. Do you believe the proposal maintains the security, stability, and resiliency of the DNS? If yes, please explain why. If not, please explain why and what proposal modifications you believe are necessary.

Yes we believe the proposal maintains the security, stability, and resiliency of the DNS. It is our assessment that no other elements in the ICG proposal, compromise the security, stability, and resiliency of the DNS as pertained to the administration of the special-purpose “IN-ADDR.ARPA” and “IP6.ARPA” DNS zones”.

While not directly relevant to the DNS, in the wider context of the number resources component of the IANA functions, the Number Community believes the current operation of the IANA Numbering Services is secure, stable, and resilient. To maintain this current state, we have ensured that our proposal does not suggest any changes that would affect the security, stability, or resiliency of the IANA Numbering Services. There are no changes proposed for the operation of the IANA Numbering Services. We are further ensuring the service level to be maintained through the SLA.

7. Do you believe the proposal meets the needs and expectations of the global customers and partners of the IANA services? If yes, please explain why. If not, please explain why and what proposal modifications you believe are necessary. Please indicate if you are a customer or partner of the IANA services.

Yes we believe the proposal meets the needs and expectations of the global customers and partners of the IANA services.

While we do not represent the other two operational communities, we believe that the bottom-up processes used to develop all three community proposals, have resulted in proposals that meet the needs and expectations of the global customers and partners of the IANA services. The combined ICG proposal defines a mechanism which the respective global customers and partners of the each of the IANA function will have oversight on the services, with periodic review of its performance.

The Number Community is the customer of the IANA Numbering Services. The Number Community has often expressed its satisfaction with the current Operator's management of the IANA Numbering Services, specifically the Operator's effective implementation of policies developed by the community and efficient provision of the IANA Numbering Services to the RIRs. This proposal has been developed by the Number Community, as the customer of the IANA Numbering Services, and meets that community's need for continuity and stability in the operation of the IANA Numbering Services. This need is met by solidifying the Operator's accountability to the Number Community.

8. Do you believe the proposal maintains the openness of the Internet? If yes, please explain why. If not, please explain why and what proposal modifications you believe are necessary.

Yes, we believe the proposal maintains the openness of the Internet. By transitioning the oversight mechanism to entities representing the operational community, based on open, bottom-up and inclusive processes, it enhances the openness of the Internet from the current mechanism of oversight by the NTIA, where the involvement of the global Internet community was limited.

We do not identify any elements in the ICG proposal that would jeopardise the openness of the Internet, but rather that it enhances it through transitioning the oversight of the IANA functions to the three operational community, with open and inclusive participation.

With reference to the IANA Numbering Services, an open Internet relies on the effective implementation of policies developed via open, transparent, and bottom-up processes, and the transparent and coordinated distribution and registration of Internet Number Resources. The Number Community has a long-standing history of open, transparent and bottom-up policy-making and operational processes (including the transparent publication of all registration information). By building on the structures developed by the Number Community, the ICG proposal ensures that in this regard the openness of the Internet is maintained.

9. Do you have any concerns that the proposal is replacing NTIA's role with a government-led or inter-governmental organization solution? If yes, please explain why and what proposal modifications you believe are necessary. If not, please explain why.

No, it is clear that this proposal does not replace the NTIA's role with a government-led or inter-governmental organization solution. None of the entities which will have oversight of the IANA functions are governments, nor are they inter-governmental organizations.

The Number Community proposal places the RIRs in the role currently

occupied by the NTIA. The RIRs are not-for-profit organizations that are accountable to the community. The Number Community is open to anyone who wishes to contribute and includes participants from Internet stakeholder groups including operators, civil society, business, the technical community, and governments. Open, community-driven and consensus-based policy development processes mean that no single stakeholder group has a dominant role in policy-making.

It is our assessment that the two other operational community proposals also demonstrate a commitment to the multistakeholder model, with bottom-up, community driven processes. It is these consensus-driven processes that have allowed the Internet to develop as an unparalleled engine of economic growth and innovation to date. We further believe that the consensus-driven, multistakeholder model is the best model for maintaining an open, resilient, and secure Internet, and for minimizing any risk of potential undue government influence.

10. Do you believe that the implementation of the proposal will continue to uphold the NTIA criteria in the future? If yes, please explain why. If not, please explain why and what proposal modifications you believe are necessary.

Yes we believe the implementation of the proposal will continue to uphold the NTIA criteria in the future by transitioning the oversight to the operational communities. We strongly believe that the operational communities will ensure the checks and balances to maintain the NTIA criteria.

All the criteria set by the NTIA are consistent with the principles for the operational communities of the IANA functions, with long-standing, proven experience over time, from the early days of the Internet until today.

We support the analysis in the Internet Society paper “Perspectives on the IANA Stewardship Transition Principles” outlining how the NTIA criteria are consistent with the values and principles of the Internet community:
<https://www.internetsociety.org/sites/default/files/IANA-Transition-Perspectives-20150728-en.pdf>

As outlined above, we believe that the NTIA criteria build on the fundamental Internet principles that have made the Internet one of the most successful technologies in history. These principles have been developed, supported and implemented by the operational communities to date. The transfer of the oversight of the IANA services to those operational communities who are the customers of each of the IANA functions, allows those communities to continue to act as a guardian of those principles. The bottom-up, community-driven model proposed for the management of the IANA services is also the best protection against capture by a single set of stakeholders, government or otherwise.

With regards to the Number Community, the core decision-making of the RIRs, lies with its community and members, through well-tested mature processes. Any attempts to change these criteria by any party, will be subject to review by the

Number Community, which has a proven record in defending the principles on which these criteria are based.

We observe the IETF and ICANN also have similar open and inclusive participation models. There may be some variations amongst the models with regard to particular mechanisms for implementation; but the success of community-based checks and balances is a common factor of all the models.

11. Do you believe the ICG report and executive summary accurately reflect all necessary aspects of the overall proposal? If not, please explain what modifications you believe are necessary.

We believe that all necessary aspects of the Number Community proposal are covered in the ICG report including ICANN continuing as the Operator, the SLA between the Operator and the five RIRs, establishment of the Review Committee and management of IANA-related IPR.

We also observe that the ICG report and executive summary also cover post-transition oversight and accountability mechanisms for the other two IANA functions.

12. Do you have any general comments for the ICG about the proposal?

We thank the ICG for its efforts in managing the timelines as well as developing the proposal, which has adequately reflected the proposal from the operational communities.

The CRISP Team strongly supports the transition of the stewardship of the IANA functions. We support the criteria set by the NTIA as . We observe this as a way forward, which leads IANA functions to have its oversight mechanism based on the global Internet community as the customers of the IANA functions, based open, bottom-up and inclusive mechanism. It is consistent with the values cherished by the Number Community and how the Internet operates today.

Its details are described in the paper published by the Internet Society (ISOC):

“Perspectives on the IANA Stewardship Transition Principles”

<https://www.internetsociety.org/sites/default/files/IANA-Transition-Perspectives-20150728-en.pdf>

It is our assessment that the combined ICG proposal demonstrates a commitment to the multistakeholder model, with bottom-up, community driven processes for all three IANA functions. It is these consensus-driven processes that have allowed the Internet to develop as an unparalleled engine of economic growth and innovation to date. We further believe that the consensus-driven,

multistakeholder model is the best model for maintaining an open, resilient, and secure Internet, and for minimizing any risk of potential undue influence of any single stakeholder, government or otherwise.

We observe that the process leading to the public comment by the ICG has been bottom-up, based on input from the three operational communities, and open to anyone interested in the process to participate.

Further, we support the process developed by the ICG, which itself is a body with representatives from a wide range of stakeholder, has respected bottom-up process followed by each of the operational communities. We feel that the ICG has adequately integrated the proposals, including elements of the Number Community proposal that has reached consensus within the Number Community.

In this light, if any substantial changes are made in the next version of the ICG proposal, we note that additional consultation within our community would be required to determine whether the Number Community supports any such changes. We hope not to face such situation where possible, so as to minimize potential impact on the overall timelines.

The CRISP Team would like to emphasise the importance of this transition to take place in a timely manner, consistent with the set timelines. The CRISP Team strongly encourages all operational communities, and the CCWG, to continue working to meet the published ICG timelines, including the implementation timelines. For the IANA Numbering Services, we trust and work together with RIRs where appropriate, in preparing its implementation to meet the targets set within the Number Community and the global timelines set by the ICG.

Finally, based on the collaborative spirit expressed among the three operational communities, we trust we will continue to work efficiently towards finalizing the proposal for the transition.