Nineteenth IANA Stewardship Coordination Group (ICG) Teleconference

12:00-14:30 UTC, Wednesday, 8 July 2015

Meeting agenda and archives

Participants:

Alan Barrett (NRO)
Alissa Cooper (IETF)
Hartmut Glaser (ASO)
James Bladel (GNSO)
Jandyr Ferreira dos Santos (GAC)
Jari Arkko (IETF)
Jon Nevett (gTLD Registries)
Joseph Alhadeff (ICC/BASIS)
Keith Davidson (ccNSO)
Keith Drazek (gTLD Registries)
Lynn St Amour (IAB)
Manal Ismail (GAC)
Martin Boyle (ccNSO)
Mary Uduma (ccNSO)
Michael Niebel (GAC)
Milton Mueller (GNSO)
Mohamed El Bashir (ALAC)
Narelle Clark (ISOC)
Patrik Fältström (SSAC)
Russ Housley (IAB)
Russ Mundy (SSAC)
Thomas Schneider (GAC)
Wolf-Ulrich Knoben (GNSO)

Liaison:

Kuo-wei Wu (Board Liaison)

Apologies:

Daniel Karrenberg (RSSAC)
Demi Getschko (ISOC)
Elise Gerich (IANA Staff Liaison)
Jean-Jacques Subrenat (ALAC)
Kavouss Arasteh (GAC)
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Secretariat:

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Agenda

1. Names proposal assessment

Assessment from Wolf-Ulrich Knoben, Mary Uduma, Martin Boyle

Boyle gave an overview of this team assessment:

- Boyle said that Davidson has dissociated himself from the initial assessment of this team and he left it to Davidson to talk about his concern.
- The main theme emerging from this assessment is the dependency of CWG-IANA's proposal on CCWG-Accountability's work.
- In addition:
  - Further work between now and ICANN 54 as part of the implementation of the CWG-IANA proposal is part of the requirement of this proposal. This work could go in parallel as long as the ICG is clear of what needs to be done;
  - The proposal also shows exhaustive works that led to a general consensus; and
  - NTIA criteria are clearly fulfilled by the CWG-IANA proposal.

Discussion on ICG process

Davidson stated that it is clear that the accountability part is a real concern. He referred to discussions during ICANN 53, and questioned the ICG process going forward. He stated that if the ICG is waiting for CCWG-Accountability work to be further completed, then should the ICG also wait for CWG-IANA to complete a round of consultations regarding the IANA trademark issues provide the ICG with an improved proposal? He also questioned whether the ICG consultation process would undermine CWG-IANA's work and asked how ICG can ascertain the consensus of the CWG Supporting Organizations if changes arise to the CWG proposal or combined proposal as a result of the ICG public consultation.

- Cooper reiterated the ICG's agreement from ICANN 53 in terms of the dependency and mechanism of approval between CWG-IANA and CCWG-Accountability. She stated that when CCWG-Accountability sends their proposal to the Chartering Organizations (COs) for approval (1-2 weeks prior to ICANN 54), the ICG will then ask CWG-IANA if the CCWG-Accountability's output meets CWG's requirements. The ICG will make determination based on CWG-IANA's response.
    - *Adobe Connect chat*: Housley, Arkko, Ismail, Mueller agreed with Cooper.
    - *Abode Connect chat*: Arkko stated that the dependency to CCWG results is clear, but what should the ICG do? 1) wait until the CCWG result is available 2) say that ICG assume features XYZ must be present in the CCWG result and then the transition plan works 3) something else? He stated his preference for option 2.
        - *Abode Connect chat*: Boyle, Drazek, Ismail and St. Amour agreed with option 2.

Discussion on ICP-1 and implications of changing policy positions with respect to the CWG proposal

Davidson stated that ICANN board has accepted ccNSO recommendations of the Framework of Interpretation WG - ICANN board should archive and disregard ICP-1. He stated that ICP-1 being referenced a number of times in the CWG-IANA proposal as not being accepted by the community seems retrospective. He flagged as a cause for concern since a stable document is needed, however policy positions are changing subsequently along the way. Davidson suggested that to remove ambiguities, the CWG proposal should state that RFC 1591 and GAC Principles 2005 are the two policies the ICANN should use for delegations and re-delegations of ccTLDs. He added that his suggestion is for the situation where the ICG will refer the proposal back to CWG-IANA, and noted that the ccNSO has given its unanimous consent to the CWG-IANA proposal and so can 'live with the current wording' if needed.

- Mueller responded that relations between ICANN and ccs are evolving, and this may not be a cause for concern if references to ICP-1 are just descriptions of the policy development prior to the transition.
- *Adobe Connect chat* between Davidson and St.Amour on the whether the 'Framework' aligns with the CWG-IANA proposal, and the dangers of finessing text to resolve ambiguity vs. re-litigating points.
- Boyle responded that the CWG-IANA proposal states clearly that ICP-1 is not accepted as policy (2A). In addition, Annex A states that IANA functions operator (PTI) will not have the right to take policy, whether past or future, and apply it if it is not proper bottom-up process. Boyle stated his opinion that the CWG-IANA proposal does not give validity to ICP-1. Regarding referring the proposal back to the CWG-IANA, Boyle suggested that given that ccNSO has supported the CWG-IANA proposal, the way forward is for the ccNSO council to submit a public comment during the ICG public consultation that makes specific reference to the section that Davidson is objecting. He urged ICG to make sure concerns are addressed without risking throwing open the CWG-IANA proposal and retracting ccNSO's support for it.
        - *Adobe Connect chat*: Davidson, Ismail, and St. Amour agreed with Boyle's suggestion. Mundy stated that the SSAC recommended "that the Framework of Interpretation Working Group's Final Report should be adopted and implemented as soon as possible by ICANN."
    - Cooper agreed with Boyle suggestion for the cc community to raise this issue during the ICG public comment period, and that the ICG can then take the input and refer back to the CWG-IANA if necessary. She stated that it will be up to CWG-IANA (not the ICG) to make a determination on any changes to the CWG proposal, and the consensus process for any such change.

Discussion on dependencies

- Mundy asked if the list of seven items of dependencies between CWG-IANA and CCWG-Accountability's work (III.A.i ¶106) summarized all dependencies identified in CWG-IANA's proposal.
    - Drazek reiterated what he posted on Adobe Connect chat and stated that as one of the ICG Liaisons to CCWG-Accountability, he saw that CCWG is fully aware of the key dependencies identified in CWG-IANA's proposal and also the implications of not addressing them. He also pointed to his response on the internal-cg mailing list that supported the process to move forward and highlight the key dependencies in ICG's report and in the public comment period, but not to wait.
    - Alhadeff pointed to Sidley Austin's May 3 draft informal document that created the list of dependencies between the CWG proposal and CCWG-Accountability's work. Alhadeff noted that this draft also analyzes the strengths and weaknesses of the Names proposal from legal structure point of view. He offered to share all of the above with his own legal analysis on ICG's Dropbox.
    - Housley suggested that when the CCWG-Accountability's proposal is out, the Chartering Organizations should be asked two questions: whether they approve it and it achieves consensus; and whether it is a complete document in terms of resolving all requirements in the previously approved CWG proposal. If it is yes for both questions, then the ICG has resolved the dependency.

Discussion on incompleteness

- Mueller observed that most of the assessments of CWG-IANA's proposal concluded that it was incomplete. He agreed that the CWG proposal is incomplete and suggested that the ICG wait for both the results of CCWG-Accountability and IANA trademark domain discussion among the operational communities before the ICG assesses the CWG proposal.
- Boyle did not disagree with Mueller and others regarding incompleteness, however he referred to the CWG response to ICG and stated issues (such as the IANA trademark and domain name issue) will be resolved according to the adopted approach. Boyle warned against waiting for the CCWG work to be complete before starting ICG assessment as that would prevent ICG from meeting its timeline. Boyle concluded that the ICG knows what is missing, knows that work is being done to fill those gaps, and thus should not be prevented from going to public consultation.
- Alhadeff expressed concern regarding how the ICG is using the word 'complete'. He stated that the CWG-IANA proposal is complete in that all needed elements have been suggested, but these elements may shift due to external dependencies. Alhadeff suggested that the ICG put the combined proposal out for public comment with clear caveats explaining the CWG dependencies on CCWG work.
    - Cooper agreed with Alhadeff. *Adobe Connect chat*: Arkko, Ismail and Drazek agreed with Alhadeff.
- Mundy stated the fundamental issue is that the ICG needs to decide whether the current CWG proposal is complete or not. If the ICG sees it as an incomplete proposal, Mundy stated that then it will commit the ICG for second public comment period when the proposal is complete.
    - Cooper explained that this differs from her suggestion in that the ICG should put the combined proposal out for public comment with the expectation that once the CCWG work is complete, the ICG will confirm with CWG as to whether all the dependencies have been met – the ICG will avoid substantive discussion of CCWG-Accountability's work. If the dependencies are not met, Cooper stated that the ICG will then decide on next steps – whether to go to a second public comment period or do further analysis.
- Arkko agreed with Cooper's suggestion, and reiterated what he posted on chat regarding dependencies and the way forward for ICG. Regarding the IANA trademark issue raised by Mueller, he stated that it is being dealt with as an implementation level issue. Arkko added that the IETF was asked if they would be okay with the CRISP team's plan (the only community proposal that explicitly mentions this aspect) and the answer is yes. He posited that if the two other communities can live with the CRISP plan on this issue, then all would be fine – he added that it would be good if the ICG says something to this affect.
- Mueller acknowledged that he had not heard much support in the ICG for his position. He explained his view regarding the public comment period as being the time for the ICG to show the NTIA that 1) it has a complete proposal and 2) has broad public support for this complete proposal. He added that the CCWG-Accountability work is such a critical part of the CWG-IANA proposal that putting an incomplete

proposal out for public comment will waste people's time and will not accelerate anything since the ICG will have to put the complete proposal out for public comment. He expressed concern that two overlapping public comment periods now (ICG and CCWG-Accountability) and another public comment period a few months later for the complete proposal may confuse the public. As a result, Mueller stated that the ICG may not receive a comprehensive public response.

- Cooper said that Mueller's view was different than how all the work set up until now – to have the Accountability work explicitly split out from the CWG proposal, with two different proposals to go to the NTIA with very specific dependencies listed. Regarding the process point, Cooper added that that plan is to have ICG and CCWG-Accountability go to public comment at roughly the same time and to complete work around the ICANN Dublin timeframe.
- Mundy expressed concern regarding not giving the public an opportunity to make comments disagreeing with the assessments of CWG-IANA and its Chartering Organizations that the CCWG-Accountability's work satisfies the CWG-IANA's requirements.
  - *Adobe Connect chat*: Mueller agreed with Mundy.
- Addressing Mundy's concern, Alhadeff suggested that the ICG clearly ask for public comments with the assumption that all dependencies are accepted – that the public can actually comment on whether they think the dependencies are correct. Alhadeff highlighted the need for the ICG to be clear on what the process is, what the ICG timeline is, and what the public is asked on comment on. Alhadeff agreed with Mueller that there is a significant potential for confusion if there are lots of documents asking similar questions in different ways. To address Mueller's concern, Alhadeff underlined the need for the ICG to work with the other communities ensuring clarity in questions being asked and cross-referencing the overlapping process.
- Ismail stated she shared Mueller's concern, but would have adopted Mueller's position earlier in the process. She stated that the ICG has known of the dependencies; agreed on the timeframe - with a caveat that a second public comment period may be needed – and shared it with NTIA; and also have agreed to reach out to CWG for confirmation that their requirements are being met by the CCWG-Accountability's work. She further stated that the COs were able to approve the CWG-IANA proposal with implicit conditions, thus she thought the ICG can assume the same as it puts the combined proposal out for public consultation. She agreed with Alhadeff regarding the need for ICG to be clear on all aspects of the upcoming public comment period.
- Karrenberg agreed with Ismail. He stated his support for ICG's plan to have parallel public comment periods for CCWG-Accountability's work and ICG's combined proposal. He also reminded the ICG that CWG-IANA made a proposal that depends on the fulfilment of specific conditions by the CCWG-Accountability's work, and therefore it will be bad if the ICG delays the process.

Cooper noted a rough consensus (with the exception of Mueller) to move forward with the ICG public comment period with clear explanation of caveats. She concurred with Alhadeff and Ismail that the ICG needs to be very clear with 1) what the ICG is seeking from the public comment; 2) the fact that there are dependencies; 3) that ICG and CCWG-Accountability will solicit public comments simultaneously; and 4) a final determination regarding dependencies will be made at the end based on feedback from CWG-IANA. Regarding Mundy's concern on whether or not the public has a final say on whether CCWG-Accountability work meets CWG-IANA criteria, Cooper responded that the public will have opportunities to do so during: 1) the CCWG-Accountability public consultation period, and 2) the CWG-IANA final determination process which is open to all for participation. She stated that after the first public comment period, the ICG can decide on the necessity and duration of any subsequent public comment period.

- Mundy asked whether the ICG will want to make it perfectly clear to the public now that if there any changes required to the CWG-IANA proposal, then the ICG has run a second public comment period.
  - Cooper explained that the ICG may not know how substantive the changes might be and whether it needs second public comment period until after the first public comment period.

- Mueller said although he still did not agree, but he could live with the decision to run this public comment period; however the other incompleteness in the proposal, namely trademark issue, should be cleared up before the public comment period. Regarding Arkko's earlier comment, Mueller stated that the ICG needs wait for a positive statement from the Names community, and not assume that they could accept the IANA trademark solution plan developed by the CRISP Team.
    - *Adobe Connect chat*: Ismail agreed with Mueller's point regarding needing a resolution to the IANA trademark issue before the first public comment period.
    - Arkko clarified and posted in Adobe Connect chat that he previously suggested that the ICG tell CWG-IANA and IETF that the CRISP Team has developed a way forward and that the ICG will go with the CRISP model. He explained that he did not suggest for ICG to assume that it will be fine without any further action.

Cooper summarized ICG agreement so far with Decisions Taken 1 and Decisions Taken 2.

Assessment from Russ Housley

Housley stated that the issue he raised on his assessment is that the CWG-IANA proposal contains a pointer to document that does not yet exist. He stated that this has already been extensively discussed in the call.

Assessment from Alan Barrett

Barrett said the only issue he raised on his assessment is with regard to dependencies. He confirmed that this has been discussed in the call.

Assessment from Russ Mundy

Discussion on Root Zone Management cooperative agreement

Mundy brought up an 'incompleteness issue' regarding the current set of root zone management agreements. He stated that the CWG-IANA proposal suggests that the cooperative agreement between NTIA and Verisign as the current root zone manager could still exist in its current form, after the contract between ICANN and NTIA is dissolved. In addition, there is no agreement currently in place between ICANN's IFO functionality and Verisign's root zone maintainer functionality. Mundy stated his concern that this may result in a less stable and less secure operation of the root zone management activities due to not having any agreement in place that defines roles and responsibilities of ICANN and Verisign.

- Cooper asked what the current status from NTIA is with respect to the cooperative agreement at transition time.
    - Mundy referred to the FAQ related to the 14 March NTIA announcement and stated that although the NTIA has said that something needs to be done with the cooperative agreement between NTIA and Verisign, it is unclear if anything is happening or if the communities views that as an important change is necessary for transition. He reiterated his concern that if NTIA withdraws from ICANN's IANA functions contract, then there are no established agreements between the two remaining players in the root zone management functionality. He asked the ICG if this as a serious problem or outside the ICG remit.
    - Mueller said that it is a serious issue. However, as part of the CWG-IANA's Design Team F dealing with root zone management, he stated that the problem is they do not know what the NTIA is going to do about the sequence or substance of the change of the cooperative agreement until the time comes. Mueller noted that the CWG-IANA proposal does include something regarding a contractual obligation upon Verisign to implement the changes proposed by IANA.
    - Boyle stated that CWG-IANA proposal ¶150, 2 (a)(b) lays out two ways of addressing the situation.
- Cooper asked what the ICG's course of action should be.
    - Mundy stated that the current information and authority flows is in SAC068. He stated that there is no definitive statement as to whether CWG-IANA believes there is a need to have written agreements in place between the IFO and root zone maintainer, and further stated that this is an important detail that could affect how things function post transition. He suggested that the only thing the ICG could do is ask CWG-IANA for clarification.

- Cooper asked Mueller whether the point from Mundy about the requirement of having written agreements was discussed in CWG-IANA.
  - Mueller responded that CWG-IANA had discussed and wanted the current function performed by Verisign to be separated from IANA (CWG-IANA proposal, ¶150, 2(a)(b)). He agreed with Mundy that this text does not specifically call for a written agreement, however Mueller provided context that CWG-IANA meant the possibility of a contractual agreement.
  - Boyle concurred with Mueller and noted this issue is a work in progress. He stated that contractual relationship between the two sides is subject to negotiation between either ICANN or PTI on one side, and Verisign or NTIA on the other.
  - Housley stated that he does not see this as an issue and pointed to the similar situation in the IANAPLAN proposal where it identifies a necessary item but leaves the details for the IAOC to negotiate with ICANN. He noted that the CWG-IANA proposal lays the framework for what have to be discussed and recognizes the CWG-IANA is not going to be part of that negotiation.
    - Mundy responded that the CWG-IANA's issue is less specific than IETF's. The CWG-IANA's proposal does not make it clear that some form of written agreement needs to exist that would define the roles and responsibilities between the two participants. Mundy stated that what is currently being described is the current root zone administrator function being merged into the 'current IANA functions operator function'.
- Alhadeff stated that CWG-IANA proposal, ¶150, 3 may increase uncertainty, noted the mechanism for resolution is unclear, and flagged this as a dependency issue to be resolved post-transition. However, he concluded that this may not affect operational continuity or prevent things from moving forward.
- Cooper suggested that the ICG include a written assessment of how the proposal meets the NTIA criteria, specifically the security and stability of the root zone and requested if Mundy could draft this text for discussion. Cooper also requested if Mundy could send the list of dependences to the internal-cg mailing list for further discussion.

Cooper announced that the ICG has concluded its CWG-IANA proposal assessment. (Decisions Taken 3)

Action Item 1: Mundy to create a draft write up for the ICG combined proposal assessment regarding the relationship between Root Zone Maintainer agreements and the NTIA criteria regarding security and stability, and circulate on the internal-cg mailing list for discussion on the 15 July call.

Action Item 2: Mundy to extract the list of dependencies referred to in the Names proposal and circulate to the internal-cg mailing list.

2. Response from CWG co-chairs concerning IANA trademark and iana.org

Discussed during agenda item 1. See Decisions Taken 2.

3. Comments from Richard Hill 2:03

Regarding comments sent to the ICG forum from Richard Hill, Cooper highlighted that there are two different ideas discussed on the internal-cg mailing list:

1. Fältström proposed forwarding the comments from Hill to CWG-IANA, highlighting the claims in the comment, and asking for an overarching response.
2. Given that there is a lot of information already contained in the publicly available CWG-IANA materials, Cooper stated her preference that ICG ask CWG-IANA a more focused question in terms of their mechanism in handling objections or minority views.

- Boyle pointed to his previous response on the internal-cg mailing list and reiterated his support for Cooper's approach.
- *Adobe Connect* chat: St. Amour, Arkko, Barrett supported a focused question.

- Cooper delivered an apology and contribution from Arasteh for the ICG to please carefully note and take into account the comments received from Hill and that the ICG must reply, and also suggested the message to be sent to the CWG-IANA for their reply.
- Mueller stated that the main point from Hill's comment is about jurisdiction. He asked whether the ICG is going to ask CWG-IANA to explain how they came to their decision about jurisdiction.
    - Cooper responded her suggestion is to ask CWG-IANA to clarify whether the public comment tool was their way of handling objections or minority views, and not just limit the question to jurisdiction.
    - Mueller said that he was not aware whether Hill's comment on jurisdiction has been addressed. He also stated that that there is nothing said about that in the CWG-IANA proposal that he could find.
    - Boyle stated that there was a long discussion on jurisdiction in CWG-IANA, however he was unable to find the conclusion in the text of the CWG-IANA proposal. He noted his recollection that the jurisdictional issue will be covered in the first periodic review.
        - Cooper asked for clarification on how the jurisdiction topic would fit into the periodic review.
        - Boyle answered issues with jurisdiction were identified during the CWG-IANA proposal development discussions and the independent review was recommended as the venue to have a comparative assessment or not of locations and merits of different jurisdictions.
- Cooper suggested a way forward as captured in Action Item 3 below.

Action Item 3: Cooper to reformulate a draft of the question to CWG-IANA regarding any existing CWG mechanism to recognize minority statements and circulate to internal-cg mailing for discussion before sending to CWG next week.

4. Communications WG update

Cooper referred to her email to the internal-cg mailing list and gave an overview on the ICG communications plan that assumes a two-week period to finalize materials for the public comment launch:

- Webinars: Webinars will be planned for the first week of public comment period and ICG CommWG is working with XPLANE to develop a slide deck that will contain material to be vetted by the ICG and communities.
    - *Adobe Connect* chat: Arkko stated that the ICG should adopt a model 'where the communities "own" and agree about the materials that relate to them' and that 'ICG needs to "own " and agree on the materials relating to the "whole"'.
- Spokespeople: There will be a call for volunteers in different time zone region to respond to media request and inquiries about the combined proposal and call for public comment.
- Talking points: With respect to having updated talking points for the spokespeople, Cooper asked if Ismail could update the ICG FAQs before the end of July. Ismail agreed (see Action Item 4 below).
- Press Release: ICG CommWG is working with ICANN Communications Staff to put a together press release for the public comment period launch.
- Short Videos: Time permitting, Cooper mentioned that there will be a call for volunteers at the end of July or beginning of August.

Action Item 4: Ismail to update the ICG FAQ and circulate it to the internal-cg mailing list before the end of July.

5. Review of upcoming ICG commitments and schedule

Cooper highlighted several open action items and previous decisions taken:

- Secretariat will be adding additional information about the names proposal assessment from this call and the 15 July call into the questions/answers matrix.
- Cooper stated her preference to publish the timeline graphic as is without putting specific dates. She mentioned the ICG could further discuss on the internal-cg mailing list.

- For the inquiries from ICG liaisons to CCWG-Accountability about the time needed for changes in the CCWG-Accountability's process, Cooper closed this action item as the ICG already has the response as stated in the CCWG-Accountability's response to NTIA letter that the bylaws changes are expected to be ready for adoption around the ICANN 54 or shortly thereafter.
- She reminded several volunteer groups of their upcoming commitments to 1) assess the combined proposal; 2) draft materials for the public comment period; and 3) continue to follow CCWG-Accountability's work and flag any issues.

6. Approval of minutes from call #18 - June 10

The minutes from ICG Call 18 were approved.

Summary of Decisions Taken:

1. **ICG to move forward with the public comment period as scheduled. ICG to give clear direction to the public on what ICG is seeking comments about. ICG to make clear dependencies between the CWG-IANA and CCWG-Accountability's proposals. ICG to coordinate with CCWG-Accountability on their respective public comment periods to ensure public comments on each proposal is submitted to the correct group. ICG to retain rights at the end of the process to decide whether a further public comment period is needed.**
2. **ICG to wait for more information regarding the IANA trademark issue from the operational communities' discussion. ICG to discuss this issue further on the 15 July call after the ICG receives further information.**
3. **ICG has completed the names proposal assessment.**

Summary of Action Items:

1. **Mundy to create a draft write up for the ICG combined proposal assessment regarding the relationship between Root Zone Maintainer agreements and the NTIA criteria regarding security and stability, and circulate on the internal-cg mailing list for discussion on the 15 July call.**
2. **Mundy to extract the list of dependencies referred to in the Names proposal and circulate to the internal-cg mailing list.**
3. **Cooper to reformulate a draft of the question to CWG-IANA regarding any existing CWG mechanism to recognize minority statements and circulate to internal-cg mailing for discussion before sending to CWG next week.**
4. **Ismail to update the ICG FAQ and circulate it to the internal-cg mailing list before the end of July.**