

**Name:** Avri Doria

**Submission ID:** 104

Attached is my individual comment on the ICG aggregated proposal.

These are personal comments by Avri Doria on the following topics:

## **Disposition of Intellectual Property and IANA domain names.**

While I believe that from a Names perspective, it would be appropriate for ICANN to retain the trademarks and relevant IANA domain names, I understand why this would not be the case for Numbers and Protocols. For Names the Post Transition IANA (PTI) is the IANA Function Operator (IFO), whereas for Numbers and Protocols ICANN remains the IFO. I accept that it is not appropriate for the IFO itself to hold the trademarks and relevant domain names and thus understand why Numbers and Protocols will not agree to ICANN holding the trademark and domain names. This is a side effect of having compatible but different solutions for the 3 Operational Communities: Names, Numbers and Protocols.

If the IETF Trust is able to establish legal conditions that satisfy the need of the Names community in its trust, then the IETF Trust is satisfactory for holding these trademarks and names. On the other hand, if proper legal conditions for the protection of the Names community rights and access to these trademarks and domain names cannot be established under the IETF Trust umbrella, then a new trust should be established for this specific purpose.

## **Compatible but different Operational Community solutions for IFO**

While the 3 Operational Community (OC) plans are compatible I do not believe the aggregated model with different approaches is an optimal solution. I believe this fault is an artifact of a problematic approach to the transition by the ICG. I believe that a more integrated approach facilitated by the ICG would have been preferable. The aggregated model put forward by the ICG will probably work just fine, so I do not object, but I did want to register the concern and request implementation guidelines on cooperation among the Operational Communities.

As the discussion of the trademarks and domain names has shown, relatively simple differences between the 3 Operational Communities can cause great confusion, fear and loathing. The issue had to rise to crisis proportions before it was possible to find a relatively straightforward solution. Had there been a defined method for interaction between the 3 OCs, the 'sky is falling' theatrics as well as angry accusatory discussions might have been avoided. I think this effect may be seen again in the future if other differences of perspective stemming from the IANA transition occur. Beyond this, the problematic effect may be triggered should we ever reach the point where one of the OCs decides to initiate its separation process. It is clear that any one of the OCs moving away from the common IANA services will affect those that are not moving. It is also possible that the issues that bother one of the OCs might even affect the other OCs and be susceptible to a common solution, whether that be redress, repair or separation. There is, however, no current method for dealing with issues of shared relevance.

Had the 3 OCs been able to cooperate and work together toward a common interface with PTI as the IFO, when future issues arise there would have been a commonality of approach. The original design of the PTI was as a shared service entity with oversight by all relevant Operation Communities: Names, Numbers and Protocols. This configuration, with all 3 communities represented on the PTI board, would have provided greater accountability to the 3 OCs and to the broader Internet community. It would have also provided a common forum for discussing and dealing with emergent issues, like the exercise of an OC separation process..

I do not support the possible separation of the IFO, i.e.the IANA function, into separate OC IANA subfunctions. In fact I consider that a possible risk to the stability and security of the Internet. I see IANA, not any single directory, as the actual root of the Internet and am concerned about possible inconsistencies that might develop were IANA to be split along the OC lines. I believe that the IANA function, and the PTI would be more stable were all OC to participate in its oversight and believe that avoiding a split along OC lines may be more difficult to avoid in the current model. In any case, under the aggregated model proposed by the ICG, communication and cooperation may be still be necessary.

Since there was no opportunity to use the coordinating services of the ICG to bring about cooperation among the OCs, the PTI is left as a sole 'subsidiary' of ICANN, forcing a much higher degree of reliance on ICANN's accountability measures, thus putting greater pressure on ICANN Accountability Work Stream I. The Names portion of the ICG proposal is gated by adoption and implementation of an adequate solution for ICANN Accountability.

Be this all as it may be, as I stated above I think that the aggregated model under review will work. I recommend, however, that the implementation phase include consideration of a mechanism whereby representatives of the 3 OCs can communicate, confer and cooperate on issues of relevance to the IANA service without needing to first have an issue escalate into a state of crisis.