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**Submission ID:** 124

Hi everybody:

I hereby enclose working comments on the ICG proposal (on Spanish only for now).

Thank you very much.

Manuel Haces

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# IANA Stewardship Transition Proposal - Public Comment Form

*Disclaimer: The ICG will not use the information collected for any purpose other than analyzing public comments. Submitters' names, affiliations, and comments will be public.*

## Identifying Information

*\* Indicates required field*

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Note for the reader:

The following comments reflect the personal opinion of the subscriber and represent working comments subject to future change.

## Questions Concerning the Proposal as a Whole

- 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?

In general, the combined proposal submitted by the ICG is perceived as largely complete as it combines literally each of the proposals submitted by the three service communities related to the IANA functions: Names, Numbers and Protocols. This is without prejudice to the status currently established by the ICG, according to which the process will not be complete until the Names community's accountability requirements (expressed through the CWG-Stewardship) are fulfilled in the parallel process undertaken by the CCWG-Accountability, and this is in turn evaluated by the ICG in order to issue a finalization statement. As regards the Number and Protocol proposals, the perception is that there is coherence with the requirements of the Names community, and that they contribute to a combined proposal that works adequately. It will be necessary to pay attention to the implementation of the

details contained in this proposal, especially to the implementation of the new entities within ICANN as IFO: particularly the PTI Board, the CSC and the subsequent IFRT (for the Names community); the Performance Committees (for the Names community); and the subsequent contracts regulating the relationship between ICANN as IFO, the PTI as ICANN's subsidiary, and the different SLAs among RIRs. Also, it will be necessary to pay attention to the results of the stress tests, which will reveal potential opportunity areas that will allow for a smooth operation of the new structure.

In general, we note that the proposal is coherent as it maintains intact the ICANN policy-making structure, eliminates the NTIA's function of symbolic approval of changes to the IANA functions, and replaces the NTIA's oversight function with ICANN's environment itself; seeking minimum changes for the correct interoperability and stability of the Internet, and promoting a multistakeholder-based governance of the Internet critical resources by including in the new structures the technical orientation required for the PTI Board, the multistakeholder (in general) orientation for the IFRT, and the multistakeholder (focused on the customers of the IANA functions services) orientation for the CSC, through the membership and participation mechanisms of the community represented within ICANN.

- 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?

In general, no incompatibility is perceived. The perception is that the clear separation of the three main IANA functions allows for general independence. The accountability provisions established for each of those functions allow for an adequate functional separation; however, it is worth mentioning that the operation and implementation of the structural change may reveal potential incompatibilities.

- 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?

Each community has their own independent responsibility and accountability mechanisms relevant to each service area of the IANA functions. No apparent accountability gaps are perceived, excluding the provisions that might be stated by the CCWG-Accountability. If gaps were perceived in this area, they will be appropriately brought forward.

- 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?

When reading the combined proposal, the perception is that the operation of the three service areas of the IANA functions as a whole with respect to their communities is workable. Anyway, the separation of functions and the accountability mechanisms for each function indicate that eventually they could be broken down. Stress tests might shed some light on the feasibility of this, although it is worth mentioning that the main functions of the Internet root operation have always been integrated into a single operator running the three functions: Names, Numbers and Protocols.

### **Questions Concerning NTIA Criteria**

- 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.

We consider that the proposal does support the multistakeholder model, as it allows for the designation of new entities to take place within the ICANN community, given the fact that this is the organization that has best represented the organically-working multiple stakeholders.

- 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, because in the legal separation of the IANA vice-presidency as a whole to incorporate the PTI, the resources, structure and know-how are maintained intact for operation. Also, ICANN as IFO maintains intact its policy processes. In general, the changes eliminate the need for the NTIA's approval, replacing it with ICANN internal bodies that do not affect the technical operation of the IANA functions nor ICANN's policy making. In a way, the PTI is endowed with more resiliency, as the NTIA's approval for the implementation of changes is no longer required.

- 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.

NIC Mexico is a customer of the IANA services. We believe the proposal meets the expectations expressed at the beginning of the transition process, as it keeps intact the service structures. The IANA vice-presidency, part of the ICANN staff structure, will constitute into a new legal entity that will transfer its resources, staff and know-how completely to the PTI. We anticipate no impact on the quality of the services that we, as customers, expect from the operator of these functions.

- 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. Most of the structures are maintained, and the new ones maintain the principles of open participation and equal conditions that characterize engagement at ICANN.

- 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.

This was never part of the discussion as it is a condition specifically expressed by the NTIA when it announced its intent to transition stewardship of the IANA functions. Therefore, the question is out of place.

- 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. The proposal development process revealed that it is possible to ensure the continuity of the NTIA criteria in the future.

## **Questions Concerning ICG Report and Executive Summary**

- 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.

Yes, it reflects the integrity of the proposal by being explicit in the executive summary, and stating literally the three proposals submitted by the three communities.

## **General Questions**

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

As regards the IANA trademark and the iana.org domain name, we agree with the CRISP (names community) proposal that the management of these assets should be defined as a prerogative of the IETF Trust, but the details of that property should be further explored or a public comment mechanism established.

Concerning the PTI jurisdiction, it would be appropriate to explore the convenience of finding other concurrent jurisdictions, between ICANN (California, maintaining this) and the PTI (also California according to this proposal), so as to reinforce the multicultural nature of ICANN, provided that operating compatibility among jurisdictions for operation agreements purposes is achieved.

It is relevant to address what the status of the contractual relationship between ICANN/PTI and VeriSign for maintaining the root zone will be, in parallel to the process established by the NTIA for this contract in particular.

Also, it is worth further clarifying what the status of the relationship between ICANN and ccTLDs will be, whether it would be feasible to maintain the current status of the relationship, or if MoUs, accountability frameworks and contracts would have to be updated, maintaining the resiliency endowed to ccTLDs as they are oriented to the community they serve.