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To Whom It May Concern:


Please find attached the comments of the Internet Society on the the Proposal to Transition the Stewardship of the Internet Assigned Numbers Authority (IANA) Functions from the U.S. Commerce Department's National Telecommunications and Information Administration (NTIA) to the Global Multistakeholder Community


Respectfully submitted


Dr. Konstantinos Komaitis

# Internet Society Comments on the

# IANA Stewardship Transition Proposal

The Internet Society (ISOC) commends the progress made by the global Internet community on the IANA Stewardship Transition and the associated issues of ICANN accountability. We congratulate the IANA Coordination Group (ICG) and the Cross Community Working Group (CCWG) for their tireless efforts to produce proposals for community review and comment.

We firmly believe that the time is right to globalize the IANA functions and that a successful transition will reinforce the value of the collaborative, multistakeholder model[1]. As the Internet Society, alongside leaders of the technical community, noted back in March 2014, "The Internet technical community is strong enough to continue its role, while assuming the stewardship function as it transitions from the US Government"[2].

The Internet Society is a trusted, independent source for Internet information, thought leadership and advocacy for a global, open Internet. We are also the organizational home for the Internet Engineering Task Force (IETF). With a principled vision, a substantial technological foundation and a global presence, the Internet Society is a long-standing advocate for a decentralized, community-driven approach to the design, deployment and operation of the global Internet. The core principles that have guided ISOC for over twenty years are also the fundamental characteristics that have enabled the Internet to serve as a platform for seemingly limitless innovation around the globe.

In its March 2014 announcement[3], the United States government National Telecommunications and Information Administration (NTIA) identified the Internet Society as a "directly affected party" to this process. ISOC has two seats on the IANA Coordination Group (ICG) and has been actively participating in all IANA-related discussions in the three operational communities, as well as the ICG, over the past year.

The ICG has asked the public to review the combined transition proposal and submit comments on whether and how it meets the criteria established by NTIA. The Internet Society recently published an analysis of the NTIA IANA Functions Transition Principles (often referred to as the NTIA criteria) in which we noted that these principles are the products of global consensus and that they have been ingrained in the Internet's architecture from its earliest days[4]. Our comments on the combined proposal should be seen in light of the IANA stewardship transition principles and our perspective as a global and diverse organization with deep roots in the Internet technical community.

In submitting these comments to the ICG, our aim is twofold: first, to support those elements that make the proposal workable from an operational perspective; and, second,

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[1] http://www.internetsociety.org/news/internet-society-board-trustees-encourages-continued-trust-multistakeholder-process-iana
[2] http://www.internetsociety.org/news/internet-technical-leaders-welcome-iana-globalization-progress
[3] http://www.ntia.doc.gov/press-release/2014/ntia-announces-intent-transition-key-internet-domain-name-functions
[4] http://www.internetsociety.org/doc/perspectives-iana-stewardship-transition-principles

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to make some observations about how the details of implementation of this new structure will affect the operations and performance of IANA over the long term. We anticipate that the community will continue its work to address public comments received through the ICG and CCWG processes and, in particular, will concentrate on sorting out concerns over the implementation aspects of the proposal.

As we review the ICG proposal *together* with the CCWG proposal, we note that the proposed structure is complex. We would note with concern, that, as the complexity of the system increases, we run the risk of losing transparency in the overall decision-making processes.

It is crucial that both sets of recommendations work together and, after implementation, that the resulting system meets the IANA Functions Transition Principles. The real test of the NTIA principles is not in the *proposal* but rather in the "running code" – do we get the desired result once the implementation is complete?

## Support and Enhance the Multistakeholder Model:

The principle that any acceptable IANA Stewardship transition proposal must "support and enhance the multistakeholder model" means that the outcome must ensure that:

a) The bottom-up, consensus based processes used by the Internet's operational communities regarding the global management of the IANA functions remain in place.

b) The IANA functions are not subject to capture by any single set of stakeholders.

Collectively, the ICG proposal clearly represents the outcome of discussions conducted under the unique multistakeholder processes of the relevant communities. The various processes were transparent and open; mailing lists were inclusive and publicly archived; and, throughout the process, communities held open virtual and face-to-face meetings and open teleconferences. This lends credibility and legitimacy to the outcomes.

The result of this multistakeholder process in the ICG is a structure in which the operational communities maintain their bottom-up consensus processes with regards to the IANA functions; they also maintain their ability to make their own arrangements and agreements for the performance of the IANA functions.

We do note, however, that the CCWG accountability proposal requires heavy reliance on *one* community (the names community), which may impact how the IANA can perform all of the functions in a reliable and predictable way. This is particularly the case when it comes to decisions regarding the budget, strategic/operational plans, and bylaws changes. It is essential that the needs and expectations (i.e. funding, operational security, etc.) of the other operational communities with respect to the performance of IANA be

taken into account. It is also important that the accountability proposal does not upset the existing balance between the communities and/or between specific stakeholder groups.

## Maintain the Security, Stability and Resiliency of the Internet DNS:

A key purpose of the IANA functions is to ensure global uniqueness in the allocation of Internet names, numbers, and protocol parameters. Ensuring that the operation of the registries is stable and secure contributes to the overall security, stability and resiliency of the DNS root and other IANA functions.

Operationally, the ICG proposal maintains the appropriate separation between policy development and implementation. The organizational change to ensure independence of oversight is important and the proposal foresees the need to ensure appropriate staffing, resourcing and know-how to run the IANA functions. The proposal also includes an important shared commitment to performance and performance metrics that is crucial for the ongoing security and stability of the IANA functions operation. Finally, the current proposal allows the three functions to continue to evolve together in a way that facilitates coordination among registries and contributes to the overall stability of the IANA.[5]

ICANN has two different but inter-related roles for which it is responsible in the current operations of IANA. The first relates to policy development for domain names and the second is to perform the IANA functions. We agree with the ICG that some aspects of the proposed ICANN accountability model will have implications for both the policy development process *and* the IANA functions. These linkages create the immediate need for the communities to come together in order to ensure that those aspects of the new accountability model are coherent and they do not impact the stable operations of the IANA functions.

It is clearly within the purview of the ICG and CCWG to communicate and find constructive ways to address these dependencies and find a timely way forward; indeed, given our collective commitment to multistakeholder, bottom up processes for governing these critical technical Internet functions, it is the responsibility of the global Internet community.

Moreover, the issue regarding the proper home of the IANA trademarks and the IANA domain names (iana.org; iana.net; and, iana.com) remains unsettled. The Internet Society agrees that the IANA-related intellectual property rights should be held by an independent entity in order to ensure that these assets are used in a non-discriminatory, stable and predictable manner for the benefit of all communities, users and the Internet. The IETF[6] and the CRISP[7] team have both indicated that they consider the IETF Trust to be an acceptable candidate for holding the trademark and domain. Further, the IETF Trust has

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[5] https://www.iab.org/wp-content/IAB-uploads/2011/04/2011-03-30-iab-iana-noi-response.pdf
[6] http://www.ietf.org/mail-archive/web/ianaplan/current/msg01659.html
[7] https://www.nro.net/wp-content/uploads/ICG-RFP-Number-Resource-Proposal.pdf

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said that it would be willing to hold intellectual property rights related to the IANA function[8]. Given the experience of the IETF Trust in holding, maintaining and licensing certain existing and future intellectual property and other property used in connection with the Internet standards process and its administration, we believe that the IETF Trust has the competency and legitimacy to serve as this independent entity. The licensing policy considerations that would accompany a transfer of the IPR for the operations of IANA are substantive in nature; it will be important to carry out a process to identify the concerns of the parties and for achieving community consensus on these matters.

Finally, we agree with the ICG that there is an outstanding issue with regard to the Root Zone Maintainer (RZM), a role currently performed by Verisign. The ICG states that some form of agreement between the RZM and the IANA Functions Operator (IFO) for the Root Zone management process will be essential when NTIA withdraws from the Root Zone Management process.

In this regard, we have taken note of the "Root Zone Administrator Proposal Related to the IANA Functions Stewardship Transition".  In that proposal, the current NTIA authorization role is replaced by an authentication role performed by ICANN. While the technical details of the transition proposal seem prudent, we do have a question regarding the implementation aspects of this change. Conceptually, NTIA's current authorization role acts as an audit step for change requests. From our reading of the proposal, it is unclear whether this audit function remains post-transition and, if so, where it would live within the new structure (in the IFO or another part of ICANN). It is our view that the audit function offers a useful check in the review of change requests to the Root Zone file and is something that should be replicated within the new processes.

## Meet the needs and expectations of the global customers and partners of the IANA services

Like any high quality service, the post-transition IANA arrangements should continue to support the performance of the IANA functions in a predictable, reliable and responsive way, consistent with operational excellence. They should also continue to be performed in a neutral and transparent manner in line with customer needs and expectations.

The three operational communities have all confirmed that they are satisfied with the performance of the IANA functions by the IANA department of ICANN. The combined proposal, with the addition of the Post Transition IANA (PTI), is meant to ensure that the IANA functions will continue to be performed in line with customer expectations.

Each of the IANA functions is associated with a community that has a direct operational or service relationship with the IANA functions operator, which includes the right of each operational community to select a new entity for the performance of the IANA functions as

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[8] http://www.ietf.org/mail-archive/web/ianaplan/current/msg01664.html

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a last resort. This relationship is ensured through contractual agreements – in the form of Memoranda of Understanding and Service Level Agreements. These contractual agreements provide important clarity and reflect the needs and expectations of the operational communities.

In the ICG proposal, the operational communities recognize the need to either conclude or update contractual agreements with ICANN for the provision of the IANA functions in order to align with community expectations. As the various contractual agreements become ready, they should proceed. Unless the various agreements are in place in a time appropriate to meet the respective needs and expectations of each of the communities, the mutual rights and responsibilities between the parties will be unclear and might lead to a post-transition tussle. Unresolved, this could create a high degree of uncertainty and result in instability of the IANA functions.

## Maintain the Openness of the Internet

Openness has long been a core value of the Internet system. With respect to the narrow role of IANA in the Internet, openness ensures that the processes by which policies are set by the IANA operational communities are open to anyone wishing to contribute. Furthermore, information on the identifier allocations made by the IANA function itself is freely available on the Internet. Similarly, within the numbering and protocol communities, policy development remains open to all participants and is closely coupled with the open standards development process used in the Internet Engineering Task Force (IETF) for the creation of technical standards.

The IANA registries are open and in the public domain and the ICG proposal makes no change to this approach. Nothing in the ICG proposal restricts the openness of policy development processes within each operational community.

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**The transition proposal must not replace NTIA's role with a government-led or inter-governmental organization solution**

The current proposal does not replace NTIA's role with a government-led or inter-governmental organization. Within each community, there are mechanisms in place to prevent capture by governments.

We agree that well constructed accountability mechanisms within ICANN can and will contribute to the integrity of IANA. As indicated above, however, these very accountability mechanisms rely heavily on one community (the names community). In this regard,

- Does the accountability recommendation sufficiently balance the interests of all stakeholders to safeguard the stability of the ICANN structure and to prevent capture by any interest group, governments in particular, after implementation?

Further, the proposal seems to create internal layers in favor of judicial redress instead of multistakeholder, community-based consensus. The relevant communities should carefully consider the long-range implications of such an approach.

**Issues of implementation**

In conclusion, we would like to draw attention to the need for timely resolution of outstanding issues with regards to the implementation of the various processes, mechanisms, and rules that relate to IANA. Details related to the structure of the new Post-Transition IANA (PTI) and the various bodies supporting it (e.g. CSC, IFR, etc.), implementation aspects of the CCWG proposal (as it relates to IANA), a plan to successfully conclude the SLAs, and a resolution of IANA-related intellectual property rights have yet to be fully fleshed out. We urge the community to determine:

- How these implementation details will be addressed in a timely fashion to the satisfaction of all communities in a way that continues to meet the principles set forth by NTIA; and,

- How all the communities will remain involved in the implementation of the new structure in an appropriate manner.

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## Conclusion

The Internet Society submits these comments in the spirit of cooperation and collaboration and in support of an IANA stewardship transition. We have raised a number of questions that we believe merit further reflection within the communities. Resolution of these issues will strengthen the overall outcome of the transition process and, we believe, will provide increased confidence in the continued openness, stability and administration of the critical IANA functions.

Again, we would like to congratulate all the communities and the ICG for their hard work and for their continuous effort to develop a proposal for the successful transition of the IANA functions away from the United States government. The Internet Society remains committed to a successful transition and supportive of the globalization of the IANA functions. We will continue to assist the efforts of the global Internet community towards a successful transition, which can help reinforce the value of collaborative, multistakeholder model.[9]

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[9] http://www.internetsociety.org/news/internet-society-board-trustees-encourages-continued-trust-multistakeholder-process-iana

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