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Submission ID: 47

Please find attached response from Nominet UK on the ICG Consultation on IANA Stewardship Transition Proposal.

Simeon Foreman

Head of Governance and Company Secretary

Nominet

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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*

First Name * Eleanor
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Country/Economy United Kingdom - UK
Organization NominetUK

Nominet is the .uk Internet domain name registry. It also operates the .wales & .cymru and a number of brand gTLDs. As such it is a direct customer for the IANA naming function services.

Nominet is a member of the ccNSO. As a company we have been active in the work of the cross-community working group on IANA stewardship transition for naming-related functions, and have followed carefully the discussions of the cross-community working group for enhancing ICANN accountability.

The following comments have been approved by Nominet's Board and are submitted by Eleanor Bradley, Chief Operations Officer on behalf of the company.

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?

We believe that the combined proposal is essentially complete, but there are details that need to be finalised. These are recognised in the document:

- **ICANN accountability:** The completeness of the naming-related functions proposal is subject to the work of a separate cross-community working group on mechanisms to enhance ICANN's accountability (CCWG-Accountability) and this work is currently also going through consultation. While we believe that the cross-community working on naming-

related functions (CWG-Stewardship) has identified the mechanisms that it needs from the CCWG-Accountability, the ICG should seek assurance from the CWG-Stewardship that its requirements are met, once the final CCWG-Accountability proposal is published.

- **Service Levels**

- The three communities recognise the importance of establishing service levels to monitor the performance of the IANA functions operator. We welcome this and fully support the concept in the names and protocol parameter proposals for the community to work with the operator to ensure that service level expectations are met.
- As noted in paragraph 54, there is ongoing work on developing Service Level Expectations for the names functions. We agree with the statement that “the ongoing work must be completed” and would like this to be done “before the proposal is sent to the NTIA.” However, we believe that this could be finalised during the implementation phase of the proposal, and we would note that there needs to be an agreed mechanism to reassess and update service level agreements in the future. This should be in place before final transition.
- We would note that service level commitments can have a direct impact on the cost of providing the service and should therefore be evidence based and respond to the needs of the customer community.

- **IANA Trademarks and Domain Names:** The ICANN Board announcement on the management of the IANA trademarks and domain names opens the way for a consensus-based solution. We would note that the holder of this IPR should do so in the interests of the operational communities and should grant any necessary rights for the free use of the resources to the IANA functions operator(s) selected by the community to provide this service.

All of the proposals appear to accept the status quo for jurisdiction. We believe that, at least for the present, this is appropriate: we do not think that there is currently any consensus on a change of jurisdiction as part of this proposal. However, we recognise and accept that further analysis of the benefits of different jurisdictions could be useful, based on operational interests and benefits. We would oppose any change of jurisdiction that limited the IANA functions operator(s) liability for the decisions or action that it takes or that changed the framework for decisions that affected operational integrity.

In particular, we welcome the clear statements in the names proposal about the national jurisdiction of ccTLDs and we would not wish to see this undermined.

- 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?

While the three community responses adopt slightly different approaches to oversight of the IANA functions operation, we do not see any incompatibilities between the proposals (subject to finalising a consensus approach for dealing with the IANA IPR).

Without wanting to undermine any of the proposals or to limit accountability or enforcement action, there may be value in ensuring liaison or communication channels between the operational communities to share information about operational issues or decisions (including any proposals for retendering the operator role for one of the IANA functions).

- 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 three proposals are rooted in the separate operational communities. This is important as the direct customers of the critical IANA functions operation rely on accurate, timely and predictable performance by the IANA functions operator. In particular, it is important that the IANA functions operator is directly answerable to its immediate customers.

All three communities have involved their wider multi-stakeholder networks, which were involved in the proposal-development process. The communities all appear to have followed open processes. Through these processes they have developed proposals with accountability directly relevant to the different IANA functions.

In particular, we welcome that non-affected third parties do not have a say over operational decisions affecting domain name registries.

The proposals also include an important oversight role, less operationally focussed that includes mechanisms that should ensure the IANA functions operation's global accountability.

- 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 welcome the fact that the three proposals have adopted existing structures as much as possible and have focussed on the transition solely of the stewardship functions. We believe that all three allow for further evolutionary change post-transition based on operational experience and on future developments. It is good practice to avoid unnecessary change in the interests of the security, stability and resilience of the service.

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.

Yes: the processes have drawn on a wide range of stakeholders, been open to wider involvement and have worked in a respectful and consensus-building manner. This has perhaps been the first real test of the multi-stakeholder model working together to make decisions on such important and complex issues, and we believe that engagement in the development of the three proposals has been exemplary.

Of particular importance is that all of the proposals have built in appropriate mechanisms to assure overall accountability to the wider community. Under the names proposal, this is done through a regular multi-stakeholder review process. We believe that the numbers proposal adopts a similar approach, but that the accountability is through the operators' accountability to their own communities. The protocol parameters proposal is rooted in the IETF and its existing and open networks.

We note that the proposals are limited to the oversight of the operational (technical and clerical) functions associated with the IANA functions operation. This recognises that the communities have their own open and multi-stakeholder processes for establishing policies underpinning the IANA functions and that these processes do not form part of the transition discussion: keeping the policy roles separate is important, relying on the community processes appropriate for the nature of the function.

- 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: the proposals are cautious in introducing change only where it is necessary, while allowing for future evolution, should this be necessary. They do not introduce any "gatekeepers" and collective engagement based on existing fora will help ensure that there is minimal risk of capture.

In particular, the front-line monitoring (and, in the case of the names functions, remedial action) role of the operational communities is the responsibility of the direct customers, which have a strong interest in the successful performance of the IANA functions operation. This provides a good basis for maintaining and assuring satisfaction in the quality of service in the future.

This active involvement, we believe, will help ensure the continued security, stability and resilience of the DNS.

- 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: the proposals do not add any additional requirements on the global customers and will maintain (for example) the principles that ccTLDs do not need to join ICANN to benefit from the IANA service, do not need to enter any form of contractual relationship and are not obliged to pay for the service. The names proposal also makes clear the national jurisdiction associated with ccTLDs.

The front-line role for direct customers in monitoring and improving service quality, the clear requirement for IANA functions operation decisions to be based on properly agreed policy (so decisions should be predictable and non-discriminatory) and the avoidance of any gatekeepers in the process, as well as the open and transparent processes should all ensure that the IANA functions operation will remain trusted.

- 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: the absence of gatekeepers, the openness of processes (and their regular review) and embedding multi-stakeholder oversight engagement in existing open (and recognised) communities should ensure that there is no discriminatory action that would limit the openness of the Internet.

We would also note that the CCWG-Accountability work will have an impact in guaranteeing that names-related policies do not impact the openness of the Internet.

- 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: the nature of the multi-stakeholder processes includes the involvement of governments, but (as for any other stakeholder group) does not give them a dominant voice. In particular, the lack of any gatekeeper roles and the consensus framework underpinning the multi-stakeholder model will make it hard for any group take control of the IANA functions operation.

- 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: there has been good consensus throughout the processes on the NTIA principles and the models are strongly anchored around them. Any changes would have to gain reasonable consensus in the multi-stakeholder community and we do not believe that any proposal to remove any of the principles would be able to command such support.

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.

General Questions

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

We greatly welcome the process launched by the NTIA's 14 March 2014 announcement.

The NTIA has, over the years, performed an exemplary and honest job and it is important to maintain a similar level of good governance of the IANA functions operation in the future.

We would also recognise the overall satisfaction in the current performance of ICANN in its role as IANA functions operator and again would see this as a benchmark going forward.

The announcement marked a significant milestone in the development of multi-stakeholder engagement in the operation of the domain name system, recognising the maturity of the model.

We note that NTIA asked Verisign and ICANN to submit a proposal detailing how best to remove NTIA's administrative role associated with root zone management: the proposal is at http://www.ntia.doc.gov/files/ntia/publications/root_zone_administrator_proposal-relatedtoiana_functionsste-final.pdf. The CWG-Stewardship proposal has identified its position on incorporating a proposal for root-zone management: the operational communities should now be requested to confirm that the Verisign/ICANN proposal meets their requirements.