



INTERNET ASSOCIATION COMMENTS ON THE IANA STEWARDSHIP TRANSITION PROPOSAL SEPTEMBER 8, 2015

The Internet Association (IA) is the unified voice of the Internet economy, representing the interests of leading Internet companies and their global community of users.¹ The Internet Association is dedicated to advancing public policy solutions to strengthen and protect Internet freedom and foster innovation and economic growth. Included here are public policies that support the open architecture of and free flow of information through the global Internet.

The Internet Association is pleased to comment on the IANA Stewardship Transition Coordination Group's (ICG) "Proposal to Transition the Stewardship of the IANA Functions from the U.S. Commerce Department's National Telecommunications and Information Administration (NTIA) to the Global Multistakeholder Community" and commends the hard work that went into the proposal. We support the ICG's proposal to transition the IANA functions. The time is right to fully empower the multistakeholder community with these stewardship responsibilities, and this proposal establishes the proper framework to do so.

However, the proposal requires clarification and revision on a few vital issues:

- The ICG should clearly detail the relationship between the proposed Post-Transition IANA (PTI) and the three primary communities associated with the IANA functions.
- A new arrangement between the IANA Functions Operator (IFO) and the Root Zone Maintainer (RZM) must be completed prior to the ICG's submission of this proposal for review by NTIA.
- The IFO separation process should occur if failure to separate poses a substantial threat to the security, stability, and resiliency of the Domain Name System (DNS), and the community approval mechanism to approve this process should be clearly defined.
- The ICG should seek community approval on whether to allow for future division of the IANA functions among multiple IFOs, a possibility created by the proposal but not explicitly acknowledged.

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?***

¹ The Internet Association's members include Airbnb, Amazon, auction.com, Coinbase, Dropbox, eBay, Etsy, Expedia, Facebook, FanDuel, Gilt, Google, Groupon, IAC, Intuit, LinkedIn, Lyft, Monster Worldwide, Netflix, Pandora, PayPal, Pinterest, Practice Fusion, Rackspace, reddit, salesforce.com, Sidecar, Snapchat, SurveyMonkey, TripAdvisor, Twitter, Yahoo, Yelp, Uber, Zenefits and Zynga.



IA concurs with the ICG's assessment that a complete proposal is contingent upon the completion of the CCWG-Accountability work, upon which the naming community's proposal relies. Those accountability reforms are a fundamental element of the entire IANA transition and a requirement for the completion of the ICG's proposal.

IA supports the domain names community's proposal for the creation of an ICANN-affiliated, but legally separate entity to serve as the IANA Functions Operator (IFO), the Post-Transition IANA (PTI). The numbers and protocol parameters communities, which completed their proposals long before the naming proposal, do not envision a significantly altered structure, but rather propose that they continue to work with ICANN as the IFO, in which an internal department of ICANN performs the actual operations. We believe the ICG has not adequately resolved this difference, leading to a number of questions:

- a. Will the Internet Engineering Task Force (IETF) and regional Internet registries (RIRs) contract with ICANN or with PTI?
- b. If with ICANN, are the IETF and RIRs prepared to contract with ICANN knowing that the IFO would be a legally separate entity?
- c. If the IETF and the RIRs contract with PTI, will the protocol and numbers communities participate in the proposed Customer Service Committee (CSC) and IANA Function Review (IFR)?
- d. If a special IFR moves to terminate PTI's role as the IFO, will the IETF and RIRs have a say in the matter?
- e. In such an instance where the IETF and RIRs have chosen to contract directly with ICANN, how will those contracts be honored if PTI's role as IFO is terminated by a special IFR?

We believe this non-exhaustive list is illustrative of the additional clarification needed before the ICG can determine that this proposal is complete. Indeed, paragraphs 1182 and 1186 of the naming proposal explicitly acknowledge the ambiguity regarding with which entity the IETF and RIRs will contract, and how they might figure into new arrangements in contracting with the IFO. The ICG should therefore review this aspect of the proposal, consulting with the protocol and numbers communities to ensure that they endorse these elements of the proposal.

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?*

The design of the ICG work plan, in which the three distinct communities developed plans for the performance of the various functions, has created the possibility that the performance of those functions could one day be divided among three distinct operators. Each community provides for the opportunity to find a new IFO should the need arise, but because the ICG has not addressed whether the three proposed separation processes are dependent upon the views of the entire



community, it seems possible that three distinct IFOs could one day exist. The Internet Association supports the principle of severability of the IANA functions, and we are not necessarily opposed to a future in which the three functions are performed separately, provided that each of the functions continues to be performed effectively. We do note, however, that severability of the functions has not been explicitly discussed by the community. We believe the ICG should clarify the dependencies among the three separation processes and ask for affirmative community approval if allowing for the possibility of separating the three primary sets of IANA functions in the future.

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?*

We believe the accountability mechanisms proposed by the three operational communities are adequate. However, we are concerned that the names community's proposal regarding the composition of the PTI board may raise confusion regarding who bears accountability for performance of the naming functions. Specifically, the names community has proposed that PTI be governed by a five-member board comprised of three employees of ICANN or PTI and two independent directors. But employees of PTI would not necessarily provide the requisite level of accountability, and the appointment of independent directors could create confusion as to who is ultimately responsible for carrying out the IANA functions. In sum, the proposed structure raises the risk that each board can attempt to avoid responsibility for any operational shortcomings by seeking to hold the other board responsible. If the names community continues to insist on a structure including independent directors, it should consider mechanisms to eliminate or mitigate this risk—for example, placing members of the ICANN board on the PTI board or explicitly limiting the remit of the PTI board.

Further, as noted in the ICG proposal, the accountability mechanisms being considered by the CCWG-Accountability are essential and must be approved and implemented before the current IANA contract is terminated.

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?*

The ICG's proposal depends on the ability to facilitate root zone changes. These changes are currently proposed by ICANN's IANA department, approved by NTIA, and made by Verisign, theRZM. As the RZM is not currently authorized to accept change orders from the IFO, we agree with the ICG that a new arrangement is necessary; we believe the ICG should evaluate the recently proposed arrangement between ICANN and Verisign to ensure workability.

Further, we acknowledge both the novelty and complexity of this proposal, which will undoubtedly require adjustment once implemented. Care should be given to ensure that flexibility is incorporated into these new arrangements in order to allow appropriate revisions as needed.



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 proposal, when coupled with the CCWG-Accountability proposal, supports and enhances the multistakeholder model by replacing the US government's oversight and operations with an effective system that is fully empowered by and accountable to the global Internet community.

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.***

By its own terms, it is unclear if the present draft of the proposal would maintain the security, stability, and resiliency of the DNS. Paragraph 41 notes, "Since there is currently no agreement between the Root Zone Maintainer and the IANA functions operator for the Root Zone Management process, some form of agreement between these organizations will be essential when NTIA withdraws from the Root Zone Management process." NTIA has recently announced such an agreement. The proposed approach, designed by ICANN and Verisign, appears reasonable, but IA notes that NTIA is not submitting this proposal for public comment. Given the criticality of root zone management, IA believes that the ICG should request the Security and Stability Advisory Committee (SSAC) to review this proposed arrangement to ensure the approach is technically sound and compatible with the ICG proposal prior to final submission.

IA also believes the section of the proposal addressing an IFO separation process (1142 and Annex L) needs further elaboration. Given the magnitude of any separation process and the uncertainty involved in attempting to identify a new IFO, IA believes the bar for initiating a separation process is sufficiently high. However, some aspects need additional clarity. Creation of a Separation Cross Community Working Group (SCWG) should only occur in instances where the performance of the IFO has become so irredeemably problematic as to threaten the security, stability, and resilience of the DNS. Therefore, a substantial threat to the security, stability, and resilience of the DNS should be an explicit requirement of initiating an SCWG, and the GNSO and ccNSO should be required to detail that threat in approving such an action. The GNSO and ccNSO should also be required to state the actions taken or discussions held to attempt to remedy the situation before commencing separation proceedings. If an SCWG recommends separation, this recommendation, too, should be accompanied by an explicit finding that keeping the functions with the current operator poses a substantial threat to the security, stability, and resiliency of the functions and the security, stability, and resiliency of the domain name system overall.



- 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.**

It is unclear if the proposal meets the needs of the global customers and partners of the IANA services. As detailed above, ambiguity regarding how the IETF and RIRs will or will not interface with PTI raises questions as to whether the proposal meets the expectations of the numbers and protocols communities. A simple statement clarifying the IETF's and RIRs' relationship with PTI, paired with a statement of concurrence from those communities, will resolve these questions and will satisfy the requirement to meet the needs and expectations of the global Internet community.

The mechanisms for initiating the SCWG also need additional consideration. The ICG requires supermajority approval by the GNSO and ccNSO, followed by approval by the Board "as well as a community mechanism derived from the CCWG-Accountability process." The CCWG proposal acknowledges this request and agrees to inclusion of bylaws to allow for such community approval, but it defers the specifications to the CWG-Stewardship. As the ICG report is presently open-ended on the specifics of this community approval process, we believe the ICG should, therefore, work with the CCWG-Accountability to develop the specifications, and accompanying bylaws, for this community power.

- 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 ICG's proposal is fully rooted in the multistakeholder approach, allowing all interested and relevant stakeholders to contribute to the management and oversight of the IANA functions, while at the same time creating no potential barriers to openness or free expression online.

- 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 proposal in no way replaces NTIA's historic role with a government-led or inter-governmental solution.

- 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.**

Provided that the ICG develops greater specificity regarding interoperability of PTI and that RZM arrangements are finalized prior to the completion of the ICG's proposal, we believe the implementation of the proposal will continue to uphold 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.**

No. As stated above, the ICG report does not adequately resolve ambiguities associated with the naming community's proposal to create PTI and the absence of consideration of this proposal from the numbers and protocols communities. The ICG report should address this matter, which was clearly raised in the naming community's report (paragraphs 1105, 1182, 1185).

General Questions

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

See above.