



Comment on IANA Naming Function Review (IFR) Initial Report

Status: FINAL

Version: 1

2-Dec-2020

Business Constituency Submission

GNSO//CSG//BC

Background

This document is the response of the ICANN Business Constituency (BC), from the perspective of business users and registrants, as defined in our Charter:

The mission of the Business Constituency is to ensure that ICANN policy positions are consistent with the development of an Internet that:

1. promotes end-user confidence because it is a safe place to conduct business
2. is competitive in the supply of registry and registrar and related services
3. is technically stable, secure and reliable.

BC comment on IANA Naming Function Review (IFR) Initial Report¹

The Business Constituency (BC) is pleased to provide this comment on the IANA Naming Function Review (IFR) Initial Report.

The BC thanks the IFR team for a job well done and notes the Initial report is in compliance with Article 18 of IANA Naming Function Reviews. The BC further notes that the evaluation of the PTI's performance found that PTI is operating with a great deal of operational efficiency and is serving the needs of IANA customers.

It is also pleasing to note that the IFR identified no major areas of deficiency or operational improvement that PTI has not already identified internally or in conjunction with the CSC.

The IFR team largely by consensus made the following four (4) recommendations:

IFR Recommendation 1

Contractual Reference: IANA Naming Function Contract, Article IX, Section 9.3 (a), (b), (c)

The IFR recommends that PTI publish IANA functions transition plan as required by the IANA Naming Function Contract.

Expected Due Date: ICANN Board Recommendation Approval + 30 Days

Evaluation Criteria

1. The Transition Plan is posted publicly on iana.org

Priority: High

IFR Recommendation 2

Contractual Reference: IANA Naming Function Contract, Article VI, Section 6.1 (d)

The IFR recommends that the Annual Attestation of the PTI President that PTI has complied with the requirements of Section 6.1 of the IANA Naming Function Contract be posted on iana.org annually.

Expected Due Date: ICANN Board Recommendation Approval + 90 Days

¹ ICANN comment page, at <https://www.icann.org/public-comments/ifr-initial-report-2020-10-08-en>

Evaluation Criteria

1. The annual attestations for previous years are posted publicly on pti.icann.org
2. A procedure is put in place to ensure future attestations are published on pti.icann.org.

Priority: Medium

IFRT Recommendation 3

Contractual Reference: ICANN Bylaws Section 18.3(j) and IANA Naming Function Contract Article VIII, Section 8.2

The IFR in conjunction with the CSC has identified a duplication in the ICANN Bylaws. The remedial action procedures as generated by the CSC and PTI are IFR Initial Report referred to as components in the initiation of the Special IFR as outlined in Section 18.12.a of the ICANN bylaws.

However, the CSC and the IFR have identified that section 18.12.a (ii) is redundant as the RAP and the IANA problem resolution process were combined into a single set of procedures (the RAPs) by the CSC.

The recommendation is that ICANN board considers removing the redundant section 18.12.a (ii)

Expected Due Date: ICANN Board Recommendation Approval + 365 Days

Evaluation Criteria

1. The ICANN board initiates a legal review of Section 18.12.a (ii) of the ICANN bylaws.
2. If the legal review agrees with the recommendation of the IFR, a vote should take place within 365 days of the ICANN board approval of this recommendation to remove or amend Section 18.12.a (ii) of the ICANN bylaws.

Priority: Medium

IFRT Recommendation 4

Contractual Reference: IANA Naming Function Contract, Article VII, Section 7.1 (a)

Expected Due Date: ICANN Board Recommendation Approval + 180 Days

Recommendation Summary: In Article 7 Section 7.1 (a) the IFR recommends that this statement, "The relevant policies under which the changes are made shall be noted within each monthly report", be removed from the contract, as it is a legacy statement from the NTIA contract that is no longer required. Implementation of this requirement has long been recognized as being operationally impracticable, ever since the time of the NTIA contract, and the IFR is satisfied that its continued inclusion in the Contract adds no value to the reports.

Evaluation Criteria

1. The contractual text is updated, and the new contract is posted publicly

Priority: Low

Concluding Comment

While the BC supports the four recommendations, we are concerned that the first two recommendations call into question PTI's accountability to the community, for which the BC was a major proponent.

Could that gap be an oversight from scheduled staff activity list?

The BC looks forward to PTI satisfying all the recommendations once the Final Report is published and are approved by the Board.

This comment was drafted by Jimson Olufuye.

It was approved in accord with our charter.