

MEMORANDUM

To: ccNSO Council

From: Maarten Simon (SIDN) in my role as ccNSO appointed member of the CCG

Date: 24 June 2025

Subject: Transfer of IANA Intellectual Property Rights from IETF Trust to IETF IPMC

Background

The IANA Stewardship Transition, completed in 2016, marked a significant milestone in the evolution of Internet governance. It involved the transfer of oversight of the Internet Assigned Numbers Authority (IANA) functions from the U.S. Government to the global multistakeholder community.

One of the lesser known components of this transition was the transfer of IANA-related intellectual property rights (IPR) - domain names and trademarks - from ICANN to an independent third party.

The IETF Trust, established to hold and manage intellectual property for the benefit of the Internet community, more specifically the IETF intellectual property, was selected as this third party.

The IETF Trust assumed stewardship of the IANA IPR in September 2016. Its responsibilities included maintaining the IANA-related trademarks and domain names and licensing them to the IANA functions operator (ICANN/PTI) under a set of agreements:

1. IANA IPR Assignment Agreement – transferring IPR from ICANN to the IETF Trust.
2. IANA IPR Community Agreement – outlining the rights and obligations of the Trust and the operational communities.
3. IANA IPR License Agreements – granting ICANN the right to use the IPR for names, numbers, and protocol parameters services.

The Community Cooperation Group (CCG) was established to provide oversight and ensure accountability in the use of these assets. The CCG consists of three members from each group of IANA customers: The protocol parameters community, the numbers community and the names community. The members for the names community are appointed by the GNSO, ALAC and the ccNSO respectively. The ccNSO appointed me in 2016 and I have been in that role since.

Transfer from IETF Trust to IETF IPMC

The CCG has led a rather sleepy live since then. There is a mailing list and there was some discussion around the signing of the mentioned agreements but that was that. We never formally met and never organized ourselves.

That changed after a notice on the list in 2024 informing the group that the IETF Trust was going to be replaced by a new legal entity, the IETF Intellectual Property Management Corporation (IETF IPMC).

The main driver behind this change is the fact that it became clear that the form of a Virginia trust was no longer a sustainable entity form for the organisation. Over the years the risk of personal liability for trustees has risen and US insurers were less and less willing to provide adequate insurance against claims against the individual trustee. To overcome the issue it was proposed to set up a Delaware not for profit corporation, the IETF IPMC to replace the IETF Trust.

The objective to change to a new legal structure was discussed within the IETF and among others, a consultation process took place in 2022. The CCG members, at least the one for the Names, were not informed about the plans and only learned about them in 2024 when everything was already set up and all the IPR (including IANA IPR) had already been transferred. We were asked to retroactively agree with the transfer of the IANA IPR which due to the Community Agreement could have only taken place with the approval of the CCG.

The request lead to some discussions on the structure and the bylaws of the new entity over the last year. This has resulted in a very detailed comment by the GNSO appointed member and chair on the names side on the Bylaws that was sent to the IETF IMPC. Most of the comments are regarded as suggestions for improvements. Some were deemed to be important however. More specifically it was suggested to include the IANA IPR and the Community Agreement in the bylaws.

Current situation

We are currently awaiting the response from the IETF IMPC. Assuming that they will be open to implement the suggested improvements, the CCG needs to formally decide on the request for the transfer of the IANA IPR. I do not see any reason for the ccNSO to not support such request when it comes. I see it as a mere legal technical change that has no impact on the objectives behind the transfer and licensing of the IANA IPR.

All information around this all is available on <https://trustee.ietf.org/> including the contracts, bylaws (current and historical) and the consultation. I am open to provide more information and answer questions if necessary.

The current procedures for obtaining support of the ccNSO for this decisions are not clear to me. I would therefore welcome your advice.

Best,

Maarten Simon