

PROPOSED Amended Charter of the Customer Standing Committee (CSC)

Mission

The Customer Standing Committee (CSC) has been established to perform the operational oversight previously performed by the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA) as it relates to the monitoring of performance of the IANA naming function. This transfer of responsibilities took effect on October 1, 2016.

The mission of the CSC is to ensure continued satisfactory performance of the IANA function for the direct customers of the naming services. The direct customers of the naming services are top-level domain registry operators, but also include root server operators and other non-root zone functions.

The mission will be achieved through regular monitoring by the CSC of the performance of the IANA naming function against agreed service levels and through mechanisms to engage with the IANA Functions Operator to remedy identified areas of concern, including but not limited to the Remedial Action Procedures.

The CSC is not authorised to initiate a change in the IANA Functions Operator via a Special IANA Function Review, but could escalate a failure to correct an identified deficiency to the ccNSO and GNSO Councils, who might then decide to take further action using agreed consultation and escalation processes, which may include a Special IANA Function Review.

The CSC will be the primary interface between the IANA Naming Functions Operator, currently PTI, and its customers. Should PTI cease to be the IANA Naming Functions Operator, the CSC will continue to perform its role to ensure satisfactory performance of the replacement operator.

Scope of Responsibilities

The CSC monitors the performance of the IANA naming function against agreed service levels on a monthly basis.

The CSC will analyze reports provided by the IANA Functions Operator and publish their findings on a monthly basis.

Where performance issues have been identified, the CSC will work with the IANA Functions Operator to understand the reasons for the failure and agree a plan for resolution.

The CSC or the IANA Functions Operator can request a review or change to service level/s. The CSC, in consultation with the IANA Functions Operator, will develop procedures for

changing service level/s including the removal of existing service levels or the inclusion of new service levels. These procedures will be commensurate with the type of the service level change being proposed. Informing the registry operators about proposed changes shall always be required; however, the type of service level change will determine whether it is necessary to conduct a community-wide consultation. The procedures may be updated from time to time, and will only become effective after publication of the process on the CSC webpage, and after informing the ccNSO Council and RySG, the direct customers.

The CSC is authorized to undertake remedial action to address performance issues in accordance with the Remedial Action Procedures (RAP) published on the CSC website. The RAP may be updated from time to time in accordance with the change mechanism foreseen in the RAP.

Should a new IANA Functions Operator be appointed, for example through the recommendations from the Special IANA Naming Function Review Team¹, the ccNSO and GNSO Councils will require the CSC to review and revise the RAP as necessary with the new operator.

In the event performance issues are not remedied to the satisfaction of the CSC, despite good-faith attempts to do so, and following the agreed escalation processes contained in the RAP, the CSC is authorized to escalate the performance issues to the ccNSO and GNSO Councils for consideration.

The CSC may receive complaints from individual registry operators regarding the performance of the IANA Naming Function; however, the CSC will not become involved in a direct dispute between any registry operator and the IANA Functions Operator.

The CSC will review individual complaints with a view to identifying whether there are any patterns of poor performance by the IANA Functions Operator in responding to complaints of a similar nature. The CSC may invoke the RAP if necessary to resolve performance issues that may be systemic or persistent.

The CSC will, as need demands, conduct consultations with the IANA Functions Operator, meet with the direct customers of the naming services, and the ICANN community about the performance of the IANA Functions Operator.

The CSC, in consultation with registry operators, is authorized to discuss with the IANA Functions Operator ways to enhance the provision of IANA's operational services for any of the following reasons:

- to meet changing technological environments;

¹ See Section 18.12 ICANN Bylaws

- as a means to address performance issues; or
- other unforeseen circumstances.

In the event it is agreed that a material change in IANA naming services or operations would be beneficial, the CSC reserves the right to call for a community consultation and independent validation, to be convened by the IANA Functions Operator, on the proposed change. Any recommended change that does not require a change to the IANA Naming Function Contract must be approved by the ccNSO Council and RySG

The IANA Functions Operator would be responsible for implementing any recommended changes and must ensure that sufficient testing is undertaken to ensure smooth transition and no disruption to service levels.

The CSC will provide a liaison to the CSC Charter Review Team, the CSC Effectiveness Review Team, the IANA Function Review Team and to any Separation Cross Community Working Group. The CSC as a whole will decide who will serve as the Liaison to the IANA Function Review Team. Preference should be given to the Liaison being a registry representative given that technical expertise is anticipated to be valuable in the role. Alternate members or alternate liaisons to the CSC are not eligible to be appointed by the CSC as liaisons to an IANA Naming Function Review Team (IFRT) or a Separation Cross-Community Working Group (SCWG).

Conflict of Interest

The ICANN Bylaws make clear that it must apply policies consistently, neutrally, objectively and fairly, without singling any party out for discriminatory treatment; which would require transparent fairness in its dispute resolution processes. Members of the CSC should accordingly disclose any conflicts of interest with a specific complaint or issue under review. The CSC may exclude from the discussion of a specific complaint or issue any member deemed by the majority of CSC members and liaisons to have a conflict of interest.

Membership Composition

The CSC should be kept small and comprise representatives with direct experience and knowledge of IANA naming functions. The CSC's composition is defined at Section 17.2 of the ICANN Bylaws.

In accordance with the Bylaws the CSC may include an individual representing top-level domain registry operators that are not considered to be ccTLD or gTLD registries. For example, a representative from the Internet Architecture Board for .ARPA, may also be included as a member of the CSC. The individual would seek appointment by the ccNSO or GNSO Council, after submission of a letter of support from the registry operator it represents. This provision is intended to ensure orderly formal arrangements, and is not intended to imply those other registries are subordinate to either the ccNSO or the GNSO.

If any or all of the entities set forth at ICANN Bylaws Section 17.2(c) elect to appoint a liaison to the CSC, such liaisons shall not be members of or entitled to vote on the CSC, but otherwise liaisons shall be entitled to participate on equal footing with members of the CSC.

Alternates

As set forth at Article 17, Section 17.2(d) of the Bylaws, all appointing organizations may also each appoint one alternate member or liaison to the CSC (each, an “Alternate”), in accordance with their own rules and procedures. The ccNSO and RySG, in particular, are strongly encouraged to each appoint an alternate member.

Alternates are expected to perform the role of a CSC member or liaison, when the appointed member or liaison is unable to attend a scheduled meeting. In the instance an Alternate stands in as a member, the alternate will be counted for quorum. Additionally, all Alternates will be permitted to attend CSC meetings as observers and will have access to the CSC mailing list as alternates are expected to stay informed of the CSC work.

Leadership

The Chair of the CSC and Vice-Chair, if deemed necessary by the CSC, will be elected on an annual basis by the CSC. Preferably the Chair will be a direct customer of the IANA naming function, and cannot be the IANA Functions Operator Liaison.

Communication

The CSC and the IANA Functions Operator will nominate primary and secondary points of contact to facilitate formal lines of communication.

Membership Selection Process

Members, Liaisons, and Alternates to the CSC will be appointed by their respective communities in accordance with their internal processes. However, all candidates will be required to submit an Expression of Interest that includes a response addressing the following matters:

- Why they are interested in becoming involved in the CSC.
- What particular skills they would bring to the CSC.
- Their knowledge of the IANA Functions.
- Their understanding of the purpose of the CSC.
- That they understand the time necessary required to participate in the CSC and can commit to this role.

Interested candidates should also include a resume or curriculum vitae or biography in

support of their Expression of Interest.

In considering the registry-affiliated members being recommended for a new term, the ccNSO Council and RySG are expected to consult prior to finalizing their selections with a view to providing a slate of members that has, to the extent possible, diversity in terms of geography and skill set.

The full membership of the CSC must be approved by the ccNSO and the GNSO Councils. While it will not be the role of the ccNSO and GNSO to question the validity of any recommended appointments to the CSC, in approving the full slate the ccNSO and GNSO Councils will take into account the overall composition of the proposed CSC in terms of geographic diversity and skill sets.

Terms

CSC appointments, regardless of whether members or liaisons will be for a two-year period with the option to renew for up to two additional two-year terms. The intention is to stagger appointments to provide for continuity and knowledge retention.

An Alternate may be appointed for a one or two-year period, at the discretion of the appointing organization. The appointing organization shall inform the CSC of the designated appointment period before the Alternate takes their seat.

Service as an Alternate shall not count towards the calculation of terms available for service as a CSC member or liaison.

Attendance

CSC members and liaisons are expected to attend a minimum of nine meetings in a one-year period (or 75% of meetings in a one-year period if fewer than nine are held in such one-year period), and must not be absent for more than two consecutive meetings.

The ICANN Bylaws at Article 17, Section 17.2(h) specify that the CSC Chair may recommend removal of any CSC member or liaison if they fail to meet these required attendance obligations, though the CSC Chair may choose to not exercise the right of removal if the member or liaison has sufficient cause for their absence.

Alternates are not subject to this attendance requirement, and the presence of an Alternate shall not mitigate the absence of a member or liaison.

Vacancy

A vacancy on the CSC shall be deemed to exist in the case of the death, resignation, or removal of a CSC member, liaison or alternate. Upon the vacancy in a member or liaison role, the CSC will recognize the Alternate as the interim member or liaison from that appointing

organization. The appointing organization shall, within two months after the occurrence of such vacancy, either affirm the Alternate as the new member or liaison appointed serve the remainder of the unexpired term, or shall appoint a new member or liaison to serve the remainder of the unexpired term. In the case of an appointment to fill a vacancy, service in the unexpired term shall not count towards calculation of terms available for service as a CSC member or liaison.

Upon the vacancy in an alternate role, the appointing organization shall be strongly encouraged, but not required to fill the vacancy within two months of the previous alternate's resignation. As appointing organizations are not required to appoint alternates, they are similarly not required to fill vacancies in alternate positions.

The ccNSO Council and the RySG must approve any appointment to fill a vacancy. Additionally, the GNSO Council should be notified of any appointment to fill a vacancy.

Changing circumstances of appointed CSC member, liaison, or alternate

In the event that a member, liaison, or alternate has a change in circumstances that may affect the basis upon which the member, liaison, or alternate was appointed to the CSC, they are required to notify their appointing organization of their changing circumstances. If the member, liaison, or alternate is willing to remain a member, liaison, or alternate of the CSC, they will be required to seek re-confirmation of their appointment. The appointing organization will be responsible for considering the request in accordance with internal procedures.

The appointing organization will be responsible for notifying the Chair of the CSC of its decision and should also notify the other appointing organization.

In the event that the appointing organization is not willing to re-confirm the appointment, the member, liaison, or alternate will be required to resign from the CSC.

If a member, liaison or alternate wishes to resign from the CSC because of a change in circumstances, or for any other reason, they must notify their appointing organization.

A resignation will create a vacancy to be filled in accordance with the section of this Charter on Vacancy.

Removal or recall of members, liaisons, or alternates

The ICANN Bylaws provide appointing entities with broad rights of removal of any member, liaison or alternate. In addition, the Chair of the CSC has certain rights to recommend the recall of members, liaisons and alternates. A removal or recall in any position shall result in a vacancy, which shall be filled in accordance with the section of this Charter on Vacancy.

Meetings

The CSC shall meet at least once every month via teleconference at a time and date agreed upon by members of the CSC.

The CSC will provide regular updates, at least twice per year, to the direct customers of the IANA naming function. These updates may be provided to the RySG and the ccNSO during ICANN meetings.

To allow the CSC to carry out the work identified above and, in particular, to help develop a cooperative relationship with the IANA Functions Operator, the CSC is also required to meet with the Board of the IANA Functions Operator at least twice a year. These meetings should, wherever possible, be held at ICANN meetings.

The CSC will also consider requests from other groups, including the ICANN Board and ICANN org, to provide updates regarding the IANA Functions Operator's performance.

Quorum

In order for a decision to be taken by the CSC, all four members must be present for the meeting. An alternate member may count for the purposes of achieving quorum.

Record of Proceedings

Minutes of all CSC teleconferences will be made public within five business days of the meeting.

In the event that the CSC invokes the RAP, it will be required to inform the RySG, ccNSO and GNSO Councils and provide regular status updates.

Information sessions conducted during ICANN meetings will be open and posting of transcripts and presentations will be done in accordance with ICANN's meeting requirements.

Secretariat

ICANN will provide secretariat support for the CSC and will also be expected to provide and facilitate remote participation in all meetings of the CSC.

Review and Amendment

The Charter may be reviewed at the request of the CSC, ccNSO Council, RySG or GNSO Council or in connection with an IANA Naming Function Review. The charter review will be conducted by a committee of representatives from the ccNSO and the RySG in accordance with a method determined by the ccNSO Council and RySG. Similarly, outside of an requested CSC

Charter Review, the CSC, ccNSO Council, RySG or GNSO Council may recommend amendments to the CSC Charter, or amendments may be proposed in connection with an IANA Naming Function Review. Any review shall include the opportunity for input from other ICANN stakeholders, via a Public Comment process. Similarly, all proposed amendments to the CSC Charter shall be posted for Public Comment following ICANN's standard Public Comment processes. If the review recommends proposed amendments, those can be presented in the same Public Comment process. All proposed amendments to the CSC Charter must be agreed upon by the CSC, ccNSO Council, RySG and GNSO Council and amendments must be ratified by the ccNSO and the GNSO Councils.