

Second IANA Naming Function Review Team (IFR2) Initial Report

Individual Comment from Olivier Crépin-Leblond, PhD / 28 April 2025

Since the IANA Stewardship Transition and the ICANN Accountability Process of 2016, matters of IANA and its functions have been subjected to thorough review processes as part of ICANN's Review processes. These are ingrained in the ICANN Bylaws.

Article 16 of the ICANN Bylaws includes matters pertaining to Post Transition IANA.

Article 17 focuses on the Customer Standing Committee, with the (CSC) Periodic Review defined in Section 17.3

Article 18 Focuses on the IANA Naming Function Reviews (IFR).

In particular, this includes Section 18.3 which states the IFR Responsibilities:

- a. Performance of PTI in regards to needs to direct customers
- b. Performance of PTI in regards to IANA Naming Function SOW
- c. IANA Naming Function SOW
- d. Openness and Transparency Procedures
- e. Performance and Effectiveness of Empowered Community
- f. Performance of IANA naming function compared with preceding IFR
- g. Reviewing Systemic Issues re: PTI
- h. Initiate Public Comment Periods
- i. Consider input from Customer Standing Committee (CSC) and the community on PTI's performance
- j. Identify process or other areas for improvements in relation to these contracts
- k. Consider and assess any changes implemented since the previous period

It is clear that matters of IFR and PTI are very closely monitored as part of ICANN's Organisational Review Processes.

However, I must point out one deliverable of the IANA Stewardship Transition Process that does not appear to have been given the same importance, but which should also be subjected to the same due diligence as the other IANA related processes: the IANA IPR agreements.

These can be found on the IETF Trust Web Site:

<https://trustee.ietf.org/iana-ipr/>

The processes for the Names Community to appoint members of the Community Coordination Group, as defined in the IANA IPR Community Agreement, are unclear. In fact, none of the Agreements are subjected to the same amount of scrutiny and diligence as the contracts directly affecting IANA and PTI. There is no “review” of these contracts or processes. Nine years later, these agreements subsist, despite significant shortcomings – and now there is a proposal that one of the signatories is replaced:

On 15 July 2024, Glenn Deen, as Chair of the IETF Trust, announced the transfer of IANA Intellectual Property held and managed by the IETF Trust to a new not-for-profit Delaware based IETF Intellectual Property Management Corporation (“IPMC”) that the current IETF Trust a Virginia based Common Trust entity is restructuring into.

Mr. Deen asked for the members of the Community Coordination Group (CCG) to send their agreement on behalf of their communities. In the absence of clear ICANN processes to address this request, the matter has, thus far, not progressed.

At the ICANN meeting in Seattle, I have met with ICANN Legal and shared my concerns, as there could be significant holes in the current agreements and even larger ones in a future agreement with the new entity.

I should therefore make one comment and ask one question:

Comment: Whilst the IFR2 has clearly undertaken its review of the IANA Functions according to the ICANN Bylaws, it appears that there are no ICANN process ingrained in its Bylaws for the IANA IPR Agreements to be formally monitored and involve the Names Community. This lack of process includes the naming of CCG members as well as any operational decision process in relation to IANA IPRs that involves the Names Community. I would recommend that your group obtain more information from ICANN Legal in regards to the concerns I have expressed and shared with them, which include a lack of safeguards in retrieving the intellectual property rights of IANA and little or no control over them.

Question: If this matter is out of scope for the IFR2, then whose task is it to make recommendations to create the necessary accountability, transparency and decisional processes for IANA IPR issues to be monitored with the same diligence the other IANA matters have been addressed?