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Response by Netnod to the National Telecommunications and Information Administration [Docket No. 110207099-1319-02] RIN 0660-XA23: Further Request for Comments on the Internet Assigned Numbers Authority (IANA) Functions

About Netnod

Netnod operates one of the Internet's 13 DNS root name servers, i.root-servers.net (following the recent merger between Netnod and its subsidiary Autonomica). The operation of I-root as a public service to the Internet community, is one of the organisation's highest priorities, and as a root server operator, we maintain a relationship with the IANA, primarily in its role as maintainer of the DNS root zone. Netnod also provides DNS unicast and anycast slave services to TLDs around the globe. Additionally, Netnod operates one of Europe's leading exchange points (IXPs), where Internet Service Providers (ISPs) can exchange high volumes of traffic in a stable and redundant environment.

General Comments

Netnod would like to thank the National Telecommunications and Information Administration (NTIA) for its assessment of the comments in the responses to the previous NOI on the future of the IANA function, and for this further opportunity to provide comment on the subject. We find it very encouraging that the NTIA takes this important step to maintain transparency and multistakeholder participation in this process.

Transparency

We understand that the NTIA has gone to great lengths to assemble, assess, and incorporate comments from many and diverse parties when creating the SOW, and we find this appropriate and fair. However, we would like to further emphasize the need for increased transparency with regards to the IANA functions. We firmly believe that very little information in the realm IANA's

activities needs to remain undisclosed to the general public. There are of course examples of sensitive information---e.g., matters pertaining to individual staff members, and probably also certain material submitted by "clients"---but we believe that the general intention of the IANA should always be to have as much information as possible be made public. Following these comments, we would like to see the sections of the SOW which mention reports to the COTR, instead state that said reports be made publicly available. This will give the Internet community good means to review IANA's work as the custodian of important international common resources, and thereby build trust and confidence. It will in no way prevent the COTR from also conducting a parallel review.

Recognition of Existing Policy and Technical Bodies

We believe the SOW should explicitly recognize the existing bodies that set the policy and technical scope for the IANA activities. This specifically includes the IAB/IETF, the ASO/NRO, and ICANN.

Separation between policy processes and IANA's operational role

We welcome NTIA's recognition of the importance to separate the operational role of the staff of IANA and the policy development process defining the work of the IANA function.

We agree with maintaining a separation between bodies that set policy and technical scope for the processes, and the body executing the processes that are governed by said policies. However, we also believe it is important to make use of the unique experience of the staff carrying out the IANA functions and implemented agreed policies. We believe it is important that IANA can share their operational experiences with these policy implementations, but we agree that this must be done so that the policy development primarily reflects the needs of the affected parties.

We also believe the SOW in one case states an unfortunate mix of policy making and process execution, which we explore further down in this document.

Stakeholders

We are pleased to recognize that the NTIA shares our support for the multi-stakeholder model for Internet governance. However, in some parts of the SOW the term "stakeholder" is used in contexts where it may be interpreted wider than intended. In some cases in the text it seems to us that it would be more appropriate to refer to only those specific stakeholders who are directly affected by IANA's processes as, e.g., "affected parties".

Specific comments on the SOW

Section C.1.4
This section mentions "*regional registries*".
With a view to render the text clearer and more accurate, we suggest changing "regional registries" to "Regional Internet Registries (RIRs), the Number Resource Organization (NRO)".

The proposed text would therefore be:

> *C.1.4 The Contractor, in the performance of its duties, has a need to have close constructive working relationships with all interested and affected parties including to ensure quality performance of the IANA functions. The interested and affected parties include, but are not limited to, the Internet Engineering Task Force (IETF) and the Internet Architecture Board (IAB), "Regional Internet Registries (RIRs), the Number Resource Organization (NRO)", country code top-level domain (ccTLD) operators/managers, governments, and the Internet user community.*

We further believe it would be beneficial to clarify the precise roles of the affected parties mentioned in this section, and in which way they interact with the IANA.

Section C.2 Contractor Requirements
We suggest adding a paragraph under this section, explicitly stating that the IANA is required to comply with any technical standards defined by the Internet Engineering Task Force (IETF).

Section C.2.1
Section C.2.1 states that *"The Government reserves the right to inspect the premises, systems, and processes of all security and operational components used for the performance of these requirements [...] shall all maintain physical residency within the United States."*

We propose removing the condition that "all security and operational components" shall maintain physical residency within the United States.
The IANA function is vital to the proper functioning of the Internet's core infrastructure. Therefore, we strongly believe it is important from a technical standpoint to have, at a minimum, backup facilities on other continents.

Section C.2.2.1
The text in this section describes the IANA functions as *"the Internet's core infrastructure"*. While we believe the IANA functions are vital to the functioning of the Internet, they do not constitute the *"Internets core infrastructure"* as stated in this section.

Further, we agree that this function needs to be maintained in a stable and secure manner, but believe it is also imperative that is maintained in a transparent manner.

Therefore, we suggest changing the first sentence in this section to:

> *"C.2.2.1 The Contractor is required to maintain the IANA functions, which are vital to the Internet's core infrastructure, in a transparent, stable and secure manner".*

Section C.2.2.1.1

As mentioned earlier, we believe it is important that the IANA function staff does not take a role in shaping or influencing policy decisions in any given direction, and welcome NTIA's effort to recognise this. It is imperative that the IANA function at all time, follows due process and respects any consensus-based policy decisions taken by the Internet community.

We believe that any restriction in policy involvement should not only be limited to the Contractor staff performing the IANA function, but should apply to all staff members at the Contractor. This is desirable to limit the risk for any conflicts of interest.

However, we believe IANA function staff can provide valuable input and advice, given their unique experience and role. We believe it should be their role to provide statistics, information and advice where appropriate, to inform relevant policy discussions.

There may also be cases, where IANA staff should feel encouraged to proactively seek clarification in policy matters, in order to carry out their task in a responsible manner.

The current text in this section could be interpreted to completely exclude IANA staff from any such interactions with the community. We therefore propose the following text:

> *C.2.2.1.1 The Contractor shall ensure that any and all staff members will not influence or drive any policy development that occurs related to the performance of the IANA functions. However, IANA staff may be requested to provide specific advice or information to inform on-going policy discussions. IANA staff may also seek clarification or guidance from relevant policy development bodies, as needed, for the performance of the IANA functions.*

Section C.2.1.3.2 Responsibility and Respect for Stakeholders

This section states that:

"The Contractor shall, in collaboration with all relevant stakeholders for this function, develop a process for documenting the source of the policies and procedures and how it has applied the relevant policies and procedures, such as RFC 1591, to process requests associated with TLDs. [...] For delegation requests for

new generic TLDS (gTLDs), the Contractor shall include documentation to demonstrate how the proposed string has received consensus support from relevant stakeholders and is supported by the global public interest."

We believe this section is vague and confusing. It does not make a clear distinction between the current Contractor (ICANN) and a future Contractor. Further, it confuses policy development (by current or future Contractor) and policy implementation (by the IANA function itself).

We do believe is the task of the Contractor to "*develop a process for documenting the source of the policies and procedures*" and to "*demonstrate how the proposed string has received consensus support from relevant stakeholders and is supported by the global public interest*" for any approvals of new strings made by the Contractor in question.

However, we do not believe it is the task of the Contractor to "*demonstrate how the proposed string has received consensus support from relevant stakeholders and is supported by the global public interest*" for any approvals of new strings made by a third party, i.e the current Contractor, ICANN. This risks putting a future Contractor in a position where it is held responsible for any decisions made in the past by the current Contractor, ICANN.

Furthermore, we do not believe it is the task of the IANA function itself, to include documentation on consensus or support for various policy discussions when processing delegation requests. IANA's responsibility is to implement those policies in a professional, responsible and transparent manner. We therefore believe the text should state that the IANA should simply reference existing documentation on the decision that approved the new gTLD, when processing delegation request.

Concretely, we propose changing this sentence to:

> "*For delegation requests for new generic TLDS (gTLDs), the Contractor shall reference existing documentation on the decision that approved the gTLD.*"

Section C.2.2.1.4 Allocate Internet Numbering Resources
We believe there needs to be a clear acknowledgement of the role of the ASO AC / NRO NC in this section.

Section C.2.2.1.5.1 ARPA TLD
As stated in our general comments, in the interest of increased transparency, we believe the IANA should strive to make public as much information as appropriate.

With this in mind, we suggest that any *"performance standards and metrics developed"* not only be submitted to the NTIA, but also be published on the IANA website.

Section C.4 Performance Metric Requirements

As mentioned in our general comments, in the interest of increased transparency, we believe the IANA should strive to make public as much information as appropriate. We have made suggestions in these sub-sections to this effect.

As regards the type of statistics and information the IANA should gather and publish, we firmly believe that it is not IANA's role to gather statistics outside the scope of the IANA activities (such as IPv6 or DNSSEC deployment). There are many organisations currently performing these activities and we do not believe they fall within the scope of IANA's responsibility.

Section C.4.1 Monthly Performance Progress Report

In the interest of transparency and accountability, we suggest that the Monthly Performance Progress Report also be made public on the IANA website.

Section C.4.2 Root Zone Management Dashboard

In the interest of transparency and accountability, we suggest that the Root Zone Management Dashboard also be made public on the IANA website.

Section C.4.3 Performance Standards Metrics Reports

In the interest of transparency and accountability, we suggest that Standards Metrics Reports also be made public on the IANA website.

Section C.4.5 Final Report

In the interest of transparency and accountability, we suggest that the final report also be made public on the IANA website.

Best regards,

Kurt Erik Lindqvist
Netnod