

CWG Final Proposal

*Summary of Major Differences from
the Second (April 22) Draft Proposal*

June 2015

ELEMENT	SECOND PROPOSAL	FINAL PROPOSAL
<i>Post Transition IANA; status of Board</i>	Not-for-profit or LLC, affiliate of ICANN; 'independence' not clarified	Not-for-profit controlled by ICANN who appoints a majority of Board members (3 of 5)
<i>Service Level Expectations (SLEs)</i>	Process update; no actual SLE's	Set of Principles (SLE's still in development)
<i>Customer Standing Committee (CSC)</i>	Overall mission and board composition (2 gTLD, 2 ccTLDs, 1 additional TLD (not a gTLD or a ccTLD), 1 liaison from IANA; additional liaisons from other SO/ACs	Basic elements unchanged but more detail; consultations on geographic diversity of registry representatives.

ELEMENT	SECOND PROPOSAL	FINAL PROPOSAL
<i>Problem Resolution and Escalation</i>	Outlined 'steps' to escalate problem resolution	Same structure; more detail
<i>IANA Function Review; Special IFR</i>	Basic structure outlined <i>e.g. timing</i> ; creation of SIFR to require supermajority of GNSO, ccNSO; composition of review teams to include 1 ccNSO and 1 ccTLD;	Basic structure unchanged; more detail; composition increased to 2 ccNSO and 1 non-ccNSO ccTLD; consultation with ROs on choice of non-ccNSO ccTLD
<i>Separation Process/ Separation Cross Community Working Group (SCWG)</i>	Scant outline	Significant detail; SCWG to have 2 ccNSO and 1 ccTLD members; ROs to be consulted on non-ccNSO choice; geographical diversity to be sought for GNSO, ccNSO members.

Summary

- Final CWG Proposal reflects comments and views put forward by ccTLD community:
 - Need for ‘ICANN controlled’ PTI
 - Greater representation of ccTLDs on review teams (IFRT, SIFRT) and SCWG
 - More detail and specificity in the overall proposal

CWG Draft Term Sheet

Items of Particular Interest to ccTLD
Community

Annex S to CWG Proposal

- Annex S of CWG proposal contains a “Draft Proposed Term Sheet” prepared by CWG Counsel
- It is intended to form the basis of an eventual PTI/ICANN Contract
- It carries over much of the previous NTIA contract including two items of special interest to the ccTLD community:
 - C.2.9.2.c - Delegation and Redelelegation of a Country Code Top Level -Domain (ccTLD)
 - C.8.3 Relationship to other contracts

C.2.9.2.c - Delegation and Redelegation of ccTLDs

“PTI shall apply existing policy frameworks in processing requests related to the delegation and redelegation of a ccTLD, such as RFC 1591, the GAC Principles (2005) and any further clarification of these policies by Interested and Affected Parties.”

“If a policy framework does not exist to cover a specific instance, PTI will consult with the Interested and Affected Parties; relevant public authorities; and governments on any recommendation that is not within or consistent with an existing policy framework.”

“PTI shall also take into account the relevant national frameworks and applicable laws of the jurisdiction that the TLD registry serves.”

PTI shall submit its recommendations to the [[CSC] or [RZM] or [Independent Evaluator]] via a Delegation and Redelegation Report.

C.8.3 Relationship to other contracts

“The performance of the functions under the ICANN-PTI Contract, including the development of recommendations in connection with Section C.2.9.2 of the ICANN-NTIA Contract, shall not be, in any manner, predicated or conditioned on the existence or entry into any contract, agreement or negotiation between PTI and any party requesting such changes or any other third-party.”