



## CENTER FOR GLOBAL REGULATORY COOPERATION

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### U.S. CHAMBER OF COMMERCE

The U.S. Chamber of Commerce is the world's largest business federation representing the interests of more than 3 million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations. We greatly appreciate the opportunity to comment on the draft proposal for the *Principles, Mechanisms and Process to Develop a Proposal to Transition NTIA's Stewardship of the IANA functions* (draft proposal).

Our members include businesses actively engaged with ICANN and on Internet governance issues in a variety of fora, along with millions of businesses, big and small, across all sectors, all actively relying on the Internet every day to create growth and jobs. Therefore the Chamber is uniquely positioned to offer viewpoints from a diverse group of stakeholders, representing various roles within the existing multistakeholder system.

The high level principles and mechanisms proposed in the draft proposal are all appropriate concepts to include in considering the transition of the National Telecommunication and Information Administration's (NTIA) stewardship of the Internet Assigned Numbers Authority (IANA). However, an effective process is needed to ensure that the transition proposal meets NTIA's stated conditions. To this extent our comments will focus on the principles needed to support an inclusive, transparent, accountable, and multistakeholder approach to this transition.

#### Inclusive

It is important that ICANN provide an opportunity for a diverse group of stakeholders, particularly those who do not participate in ICANN or other Internet governance fora, to participate in the discussion of the transition. In order to be truly inclusive, we recommend the Steering Committee expressly include representation from the business community and also include roles for those stakeholders who may not be a part of the groups designated in the draft proposal. We believe that stakeholders should be able to appoint their own representatives and not have them chosen by the Chair of ICANN or the Chair of the GAC.

Recognizing that the transition is such a crucial component of the future of Internet governance, we strongly recommend that longer comment periods be provided. We are concerned that the abbreviated 30 day period for formal comment on the draft proposal did not provide adequate time to incorporate a detailed level of viewpoints. In the past ICANN has allowed for longer comment periods for topics as important as the transition of IANA functions.



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#### Transparent

The draft proposal needs to include steps to ensure a final proposal on the transition of NTIA stewardship is made available to the general public for comment, particularly those stakeholders outside the designated Steering Group communities. These comments should be considered, and whenever possible addressed, prior to finalization of any transition proposal. Rationales as to why some feedback was accepted and others rejected will help increase the transparency around this process. Opportunities for meaningful comment should be routinely incorporated at every major phase of the development process, not just at one or two inflection points.

#### Accountable

Any proposal must follow a consensus-based multistakeholder approach and adhere to the principles outlined by NTIA.<sup>1</sup> These two factors must take precedence over any timelines.

The accountability of the process and transition plan will be greatly enhanced by allowing time for the Internet community to properly vet and test the proposal the prior to finalization.

While we are pleased ICANN has announced plans to launch a parallel process to “examine broader ICANN globalization and accountability mechanisms,” we recommend clarifying that this parallel process does not obviate the need to discuss accountability mechanisms related to the transition of IANA stewardship. There should be a mechanism created in order to hold the designated Steering Committee accountability to stakeholder community concerns, including how the ICANN-led process is being conducted. Any future plan also needs to adequately address needs to safeguard potential harms resulting in a conflation of policy and operational functions.

Any accountability mechanisms developed by this parallel track should be finalized and implemented before the IANA transition takes place. If the IANA transition is delayed, the accountability track should proceed on its own and reach its conclusion before an IANA transition is commenced. Enhance accountability mechanisms for ICANN should not be delayed by the IANA process.

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<sup>1</sup> See <http://www.ntia.doc.gov/press-release/2014/ntia-announces-intent-transition-key-internet-domain-name-functions>.



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Multistakeholder

Any transition plan must make clear that a multistakeholder model will take precedence. This means no preferential treatment for any stakeholders –governments, business, academia, the technical community, and civil society should all remain on equal footing. Furthermore, the plan must avoid delegating any oversight role to any governments or bodies under government control.

As we earlier indicated, the Steering Committee should include a broader cross-section of interested parties than currently offered in the draft proposal, particularly those in the business community and those who may not be members of ICANN. More time may be needed to ensure a well-balanced representation and ICANN should avoid setting an arbitrary deadline of establishing a Steering Committee by the June ICANN meeting in order to adequately expand the scope of potential stakeholder involvement.

The Chamber greatly appreciates the consideration of our comments and we would be happy to elaborate on any of our recommendations.

Sincerely,

Adam Schlosser  
Director, Center for Global Regulatory Cooperation  
U.S. Chamber of Commerce