中国信息通信研究院

关于域名相关职能跨社群工作组移交方案草稿的评论意见

域名相关职能跨社群工作组（CWG-Name）于 12 月 1 日公布了移交方案草稿，开展为期 21 天的意见征集活动。中国信息通信研究院借此机会感谢域名相关职能跨社群工作组成员及ICANN社群在起草方案草稿过程中所作出的努力和贡献。我们认可 CWG-Name 提出的寻求低成本解决方案的原则，并在此强调，IANA 职能是一个整体，在 IANA 职能监管权移交当中需要加强协同工作，按计划完成移交方案制定。关于这份移交方案草稿，中国信息通信研究院提出如下评论意见。

一、方案草案中提出设立多利益相关方审查组（MRT），开展 IANA 职能预算审查、运作审查、运营机构招标、关键合同条款审查、处理 IANA 客户建议等工作。按照目前的架构设计，MRT 承担了上述有关 IANA 事务的重要决策职能。我们认为，IANA 职能运作的问责和透明最为关键，应尽快提出有关 IANA 职能运作的问责与透明机制。目前，问责方面的工作进展很慢，建议问责跨社群工作组加快工作，使 IANA 监管权移交方案设计与问责机制的设计保持同步。

二、方案草案中提出设立合同公司（Contract Co.），作为与 IANA 职能运营机构签订合同的主体。IANA 职能的法律管辖权问题是各方关注的重要问题，这与合同公司的设立地点和形式有直接关系。我们认为方案中应当说明合同公司的法律管辖权。并且，我们希望提案中指出 Contract Co. 将以何种方式对 IANA 职能运营机构进行制约。

三、方案草案中提出设立用户常任理事会(CSC)，成员来自 ccTLD 和 gTLD 注册管理机构，将在提升 IANA 职能域名功能的服务水平方面开展工作。我们欢迎成立该委员会，ccTLD 和 gTLD 注册管理机构是 IANA 职能直接服务的用户，它们组成利益团体，有权利也有责任不断提升 IANA 职能的服务质量。

四、方案草案中提出设立独立申诉仲裁团（IAP），对涉及根区文件修改、根区 WHOIS 修改以及相应政策作出独立仲裁决定。我们认为，方案应对独立申诉仲裁团的组成及运作机制进一步说明，进一步向社群解释这一机制的有效性与公平合理性。

中国信息通信研究院再次感谢各方在方案草案制定中投入的大量时间和精力,希望在互联网社群共同努力下,IANA 监管权能够按期、顺利移交。

2014 年 12 月 20 日

Non-official Translation

Comments on Draft Transition Proposal of Cross Community Working Group (CWG) On Naming Related Functions

by China Academy of Information and Communication Technology (CAICT)

Cross Community Working Group (CWG) on Naming Related Functions announced a public comment period of 21 days on a draft transition proposal starting from 1 Dec 2014. China Academy of Information and Communication Technology (CAICT) would like to take this opportunity to appreciate the efforts and contributions made by CWG members and ICANN communities in the process of drafting the proposal.

In general, CAICT agrees with the principle proposed by CWG to look for a low-cost solution. CAICT would emphasize that it is very significant to regard IANA functions as a whole. All stakeholders need to enhance coordination during the process of IANA Stewardship Transition so that the proposal could be completed on time as planned.

As for the draft proposal, it seeks to create four structures to replace the oversight role played by the NTIA in the execution of the IANA Naming Functions. CAICT's comments are as follows:

First, a Multistakeholder Review Team (MRT) will be established in accordance with to the draft proposal. MRT will take the responsibilities identified in IANA Functions including budget review, operator performance review, the key terms of the contract review, making key decisions for Contract Co., management of re-contracting or rebidding process for the operation of the IANA Functions and so on. Generally, MRT will take the core role in the post-transition mechanism, which is closely related to the most critical issue of IANA functions - accountability and transparency. Currently, Cross Community Working Group on enhancing ICANN accountability (CCWG-Accountability) has been just formed, whose working progress is relatively slow. CAICT would suggest that the mechanism of accountability and transparency of IANA functions be proposed by CCWG-Accountability as early as possible to keep the Transition Proposal development and accountability mechanism design at the same pace.

Second, Contract Co., as a new entity to contract with the operator of IANA functions will be set up proposed by the draft proposal. The legal Jurisdiction of IANA functions which is directly related to the location and type of Contract Co., is an important issue concerned by all the stakeholders. CAICT would suggest that the proposal should include the explanation of the legal jurisdiction of Contract Co. Additionally, the proposal should explain how does Contract Co. effectively supervise and affect the operator of IANA functions.

Third, a Customer Standing Committee (CSC) will be established as proposed. According to the proposal, the CSC would primarily be made up of a number of representatives of registry operators, including ccTLD and gTLD registries, and work with the MRT to establish Service Levels and Performance Indicators for the performance of the IANA Naming Functions. The establishment of the CSC is welcomed. Moreover, considering that IANA functions directly provide services for ccTLD and gTLD registries, CAICT would view that the interest groups consisted of ccTLD and gTLD registries should have the right and the responsibility to improve the service level of the IANA function.

Fourth, an Independent Appeals Panel (IAP) will be set up as said in the proposal. The IAP will cover any policy implementation actions that affect the execution of changes to the Root Zone File or Root Zone WHOIS and how relevant policies are applied. CAICT would suggest that the proposal could provide more explanation to communities in terms of the mechanism of composition and operation of IAP and the validity and fairness and rationality of the mechanism.

CAICT would like to once again appreciate all the stakeholders involved in drafting the proposal with a lot of time and effort. CAICT expects that Stewardship of IANA functions will be transited on time in a smooth and successful manner.

20th Dec, 2014