Summary of Public Comments on the
TLG Review Draft Report

This document contains a summary of the public comments[1] received in response to the posting of the draft report of the independent external review of the Technical Liaison Group (TLG) undertaken by JAS Communications LLC. A total of seven comments were received, which are summarized in the following to provide an overview of the contributions in chronological order related to the external reviewers' seven recommendations (partly alternative) . Comments not directly related to a particular recommendation are summarized under "Overall comments" and "Other comments", respectively. The summary does not in any way substitute for the original contributions, to which reference is made for full information at: http://www.icann.org/en/public-comment/public-comment-201011-en.htm#tlg-review-2010

Contributions provided by:

Eric Brunner Williams	EBW
European Telecommunications Standards Institute	ETSI
Roberto Gaetano	RG
Steve Crocker	SC
Steve Goldstein	SG
Thomas Narten	TN
World Wide Web Consortium	W3C

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[1] The public comment period ran from 23 October 2010 to 21 November 2010.

TOPIC	SUMMARY OF COMMENTS
OVERALL COMMENTS NOTE: These comments are relevant to multiple recommendations but not repeated in the sections for each recommendation below!	SC: The draft report is quite good. I agree with all main points. SG: The JAS report is good and succinct. I agree that the TLG never did function as intended, but individual liaisons proved useful. EBW: I don't share the Board members' views. Too much of this report is tied up in the ICANN vs ITU issue, which is less important than ensuring that technical correctness is mandatory to implement. ETSI: The draft Report ignores ETSI's global nature and its history with ICANN. W3C: We do not agree with several details of this report, but we focus our comments on high-level issues. The TLG fulfills three functions within ICANN: 1) Responding to technical questions from ICANN. We agree that this mechanism does not need to be in the bylaws, but the bylaws' observations on the need for technical input are valid and we remain willing to assist ICANN.2) Participation as voting member of NomCom. This provides safeguards for ICANN's ability to function as an accountable and independent organization. We recommend considering standardization organizations' role in the NomCom with this background and remain willing to assist ICANN. The annual rotation for the TLG is not an obstacle to effective participation, since NomCom is convened on an annual basis. 3) Participation as liaison to the ICANN Board. Broad participation in ICANN's governance process is critical, as recognized in the AoC and by ICANN's Board review working group, which also noted that no change in the current liaison arrangements was needed. TLG provides ICANN with needed interactions with the technical community. W3C's participation helps to ensure that the Web standards community is part of these interactions and provides an accountability mechanism between ICANN and this community. This mechanism is important for ICANN's ability to function as a coordinator for the Internet's naming and numbering infrastructures. RG: A purpose of the TLG was to provide expertise to the Board by technically qualified people from the internet protocol community, somewhat similar to the SSAC or RSSAC, who also have a Liaison to the Board, although with different modality. The basic questions, insufficiently answered in the report, are a) Whether this expertise, and the liaison with the internet standards development community, is useful for the Board or not; and b) If yes, how can the Board access this expertise if the TLG is disbanded. There is no explanation for the conclusion that the TLG does not provide for accessing uniquely qualified individuals. In my experience, TLG Liaisons have provided outstanding contributions to the Board, crucial for many decisions. To reduce this presence would be irresponsible. Let's turn the TLG into an opportunity for success of ICANN and for the development of a wider network of organizations that share common values. TN: I support the main conclusion of the report. The current TLG is a reflection of history and does not serve ICANN well. The report also provides some partial measures (recommendations 3-6), in case the

	main recommendation cannot be carried out. I disagree with their characterization as recommendations and will not comment on these partial measures, as I support recommendation 1.
RECOMMENDATION 1: Dismantle the TLG.	SC: SG: JAS recommends that ICANN disband the TLG and replace it with more typical non-bylaws constructs. Agree - I have said the same during my tenure on the ICANN Board. EBW: ETSI: W3C: RG: I do not see enough rationale for this recommendation as the report lacks sufficient evaluation of possible alternative courses of action. One of the purposes of the review was to identify needed changes in structure or operations, a key question for all structural reviews. However, I see no proposal for structural changes that would eliminate problems and provide a better solution than scrapping the whole structure. TN: I agree that the TLG should be disbanded for the reasons given. Experience shows that grouping together technical bodies into a single structure with a goal of providing input does not work effectively. Bodies that have expertise in areas of direct concern to ICANN should work with ICANN directly and ICANN should work with each TLG organization on how best to interact.
RECOMMENDATION 2: Reaffirm the Nominating Committee's present obligations under Article VI Section 3 to monitor the skill set mix of Directors and appoint technically qualified Directors as necessary.	SC: SG: EBW: This recommendation is flawed. For some technical issues, a competent generalist on the Board would be nice, but there are IANA issues that require specialist knowledge and independence from unqualified claims of authority. ETSI: It is a false assumption that the same delegates would appear via NomCom if the TLG is closed. Without the ETSI Board putting pressure on its membership to offer candidates for our TLG obligations these people would probably never appear on the NomCom radar screen. W3C: RG: I disagree with this recommendation. The NomCom has multiple constraints to observe - adding a new one would complicate their tasks further. Also, to select non-voting technical advisors is a different task, not included in the NomCom terms of reference or raised in the NomCom review. TN:
RECOMMENDATION 3: If the TLG is not dismantled, consider removing region-specific representation from the	SC: SG: EBW: This recommendation makes an issue of regionalism, as the sole basis for the recommendation. A

TLG, specifically ETSI.	European regional entity may over-represent the interests of early-adopters but it should be recognized that regional discrepancies exist. ETSI: This shows a lack of understanding of ETSI and its global role, representing the interests of 700+ members from 60+ countries. Moreover, as the birth place of GSM and the home of the 3GPP secretariat, ETSI also brings the technical knowledge from the mobile sector to ICANN. Also ETSI TC TISPAN is important, supplementing the IETF work. When the Protocol Supporting Organization (PSO) was abolished, the TLG emerged for standardization organizations' continued role in ICANN. Already during the PSO, ETSI's structure was more than sufficient for accreditation as "International" rather than "Regional". ETSI has long supported ICANN as shown by the participation in the TLG. The ICANN Board seat allows ETSI to bring technical understanding to the Board and the liaison provides information back to ETSI to ensure technical compatibility and interoperability. W3C: RG: No region-specific organization is part of the TLG, as commented already by ETSI. The TLG comes from the transformation of the PSO during the ICANN reform, and current members are former PSO members. The PSO MoU was drafted to include only organizations that were international and had a substantial presence as internet standards making bodies. These criteria were fulfilled by ETSI and its international presence has increased ever since. TN:
RECOMMENDATION 4: If the TLG is not dismantled, consider inviting the Unicode Consortium to participate.	SC: Adding the Unicode Consortium is interesting but not necessarily a good idea. There is common interest in IDNs, but interactions are at times in conflict, although not as vigorous as between the ITU-T and ICANN. SG: EBW: The recommendation is flawed as the Unicode Consortium does not have the DNS industry as a primary interest, as proven by a printer-industry biased approach to bi-directionality. ETSI: W3C: RG: In the past, the PSO had mechanisms for accepting new members. Rather than recommending that organization A or B join, it could make sense to set clear rules for TLG membership, and draft an MoU for the members. A better functioning TLG seems a more reasonable objective than a dismantled TLG, or a TLG with hand-picked members without proper criteria. TN:
RECOMMENDATION 5: If the TLG is not dismantled, consider making reciprocity a	SC: SG: The current system grants privileges to organizations with no reciprocity - agreed. However, the

condition of participation for TLG organizations.	value of ICANN spending effort to sit on those organizations is unclear. EBW: The recommendation is silly, as the point of participation is substantive, not procedural. The issue is not corporate status, it is technical correctness. ETSI: There was never any request for reciprocity and it is strange that it now appears as an "issue". It is doubtful that ICANN participation in the ETSI Board would bring any value to ICANN, but ETSI participation to ICANN brings technical understanding to the Board. ETSI provides ICANN with delegates to the Board and the NomCom, paid for by the respective ETSI company member. Within ETSI, ICANN is treated as if there were an MoU and there is also some reciprocity as the ICANN CEO and the Board Chair are invited to ETSI General Assemblies. W3C: RG: I concur with this recommendation, but the differences between the organizations make it challenging to realize. ICANN's participation in ETSI, ITU-T and W3C has to be defined in a way that is meaningful considering their structure and modus operandi. Having ICANN as an observer to the management bodies of ETSI, ITU-T and W3C is a way to match the non-voting status of the TLG Liaison, and to improve coordination among these bodies. Reciprocity should be one of the clauses set in a TLG MoU and a condition for TLG participation by organizations that are serious about collaboration. TN:
RECOMMENDATION 6: If the TLG is not dismantled, allow the TLG organizations to collectively elect their Board liaison for a term of three years.	SC: SG: In principle, I agree that a one-year term makes it nearly impossible for liaisons to be effective, but there are superb exceptions. To add "with few exceptions" would make that conclusion more accurate. EBW: Not every liaison appointment brings the best but some do - the same can be said of the processes that populate the Board itself. ETSI: W3C: RG: I agree with this recommendations, although it will become meaningful only when the TLG has been reformed. The main effort of the TLG review should be to define what changes in structure can improve its effectiveness: operational details like the modality of the election of the Board Liaison should follow. At the same time, reciprocity criteria defined in a TLG MoU will guarantee the good faith of the standardization organizations for a collaborative effort instead of turf competition. TN:
RECOMMENDATION 7: Address the issue of role clarity for all liaison roles, including the TLG. Clearly specify a duty	SC: The term "tacit full Board" is unclear. SG: I agree that the TLG poses some risk to ICANN due to the lack of role clarity and the opportunity for questions of loyalty and conflicts of interest to arise in the Boardroom. Especially as regards the ITU,

of loyalty to ICANN for the tacit full Board member liaisons, or move liaisons off of the full Board into a non-fiduciary advisory capacity.	which at times is an ICANN competitor. EBW: This recommendation has nothing to do with the TLG. The notion of "loyalty to ICANN" is peculiar, as the requirement is to obtain technical correctness and operational reliability. If the commitment to "loyalty" were greater than the commitment to technical correctness, ICANN would not have been able to learn from, for example, the operation of the CNNIC root. Fortunately, some "disloyal" looking over the fence took place, and ICANN is better for it. ETSI: W3C: RG: I agree with the recommendation, with the caveat that it will become meaningful only when the TLG has been reformed. The main effort should be to define what changes in TLG structure can improve its effectiveness: operational details like explicit reference to duty of loyalty should follow. Duty of loyalty to ICANN is a must and has to be the common rule for all Directors. Every part of the ICANN community may potentially send to the Board a Director that might behave disloyally to ICANN. Either ICANN accepts this as part of its nature as an all-inclusive organization, or it establishes loyalty rules that have to be respected by all Directors. JAS seems to identify a concrete example in the ITU-T as a competitor to ICANN and in a potential conflict of interest. We need to address this specific problem, not to throw away a potentially useful structure to avoid the problem. A clear definition of roles and responsibilities applied to the whole Board is necessary and sufficient to deal with this issue. TN:
OTHER COMMENTS	SC: Suggestions to improve the report: 1) Explain the history and current status of the IAB's involvement - this is a good vehicle for documenting that. 2) On page 13, replace "upstart" with "start up" organization. 3) In section 7, include the interviewees' roles - and at least one member of the management of each of the organizations should be included. SG: EBW: The report should give the history of the entity. The PSO, established in 1998 and discontinued in 2002, provides understanding of why TLG was established and what its continuing purpose might be. ETSI: Comments numbered with respect to the report: *4.2.3, 5.1 and 5.6 Concern around conflicts of interest and lack of role clarity of TLG members.* There has never been any discussion, accusation or suggestion of a conflict of interest related to the ETSI TLG representatives. The ETSI role is clear, to provide technical understanding and clarification. *5.3 The TLG is not used as intended QUESTION: What structural and operational measures can be imagined to enhance the effectiveness of the TLG?* The TLG is not allowed to hold meetings or to perform internal consultations, but a certain co-ordination is needed to ensure that the seats on the Board and NomCom are filled with suitable candidates. The

	Governance Support Director has acted as a co-ordination point, issuing reminders to the ETSI Board, ITU-T TSB Director and W3C, and maintaining contact with the ICANN Board and NomCom Secretariats. If the TLG continues, this coordination function should either be formalized or taken over by ICANN. ETSI is happy to continue offering this co-ordination function.
	W3C:
	RG:
	TN: The report should document the IAB/IETF history with the TLG. The IAB participated in the TLG in the past and is still listed as TLG member in the bylaws, but effectively stopped participating in March of 2005 for lack of actual activity. (http://www.iab.org/documents/iabmins/iabmins.2005-03-07.txt).