

IANAPLAN: IPR

Andrew Sullivan
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What we agreed to

- We have to implement this. Some provisions:
 - Ensure “The protocol parameters registries are in the public domain”
 - ICANN acknowledge “smooth transition”
 - **ICG: P2.III.A.2.IPR related to the provision of the IANA services remains with the community (from RIRs)**

In the supplemental

Not yet signed

- Public domain registry affirmation *and* ICANN acknowledge “smooth transition”
- Part of supplemental agreement
- In principle part of resolution package

Principles

<https://www.ietf.org/proceedings/95/slides/slides-95-ianaplan-0.pdf>

- Principles to be used as guidance for lawyers
- Requested comments on 17 Feb (Google doc)
- Common document among representatives from ICANN, RIRs, and IETF

What does it say?

- IETF Trust becomes owner of Trademarks
- IETF Trust becomes registrant of iana.org (and some other names)
 - Rules to prevent operational surprises
- IETF Trust promises to do what the communities say
 - Within limits of trademark responsibility
- IETF Trust will license the IPR to the Post-Transition IANA

Satisfies the need

- The Trust is a neutral party
- Not a great deal to do
- It's available to do the job quickly
- Does not prevent our IANA arrangements
- Does not affect other Trust tasks
- Does not require changes to Trust
- Trustees already doing these things

Do what they're told?


- Trust gets an advisory panel about these assets
- Community Coordination Group (CCG) tells the Trust what's ok
 - 3 members each from IETF, RIRs, Names community
 - Common advice for common things, specific advice for each community for those things

Small issues to discuss

1. Plan to arrange iana.org control to ensure any legal disputes can be handled
 - Can Trust ever act unilaterally? (doc says yes)
2. Trust-vs-community authority
 - Not our normal way of working, but consistent with Trust history

Sometimes move at “legal time”

The control MUST be set up to prevent surprises

- Trust is the “owner” (but takes direction)
- Some commercially-available arrangement so that nothing happens without IANA-operator consent for *n* days
- Then Trust can act  document says this
 - alternative: everything halts (not acceptable)

The authority “problem”

- The TM owners have to protect the TM
- The proposal says the Trust has to do what the community says (through CCG)
- Trustees have fiduciary duty to enforce TM
 - So they might have to act outside community instruction
 - Already a situation (with IETF)

Next

- Any final tiny edits to agreed-upon principles
- Give principles to lawyers for implementing in legal agreements
- Planning to do this next week