

# IETF Trust Report

## IETF 96 Berlin

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Tobias Gondrom  
IETF Trust Chair





# Administrivia

- Lou Berger elected as IETF Trust Treasurer
- Jorge Contreras confirmed as Trust attorney



# IETF Trust: Year of Change

- The Trust is undergoing many changes this year, the details of which are set out later
- The changes are motivated by the likely assumption of responsibility for the IANA IPR and clarifying the legal and independent role of the Trust.

# Trust & IANA IPR



- As previously reported, the IETF Trust is willing to hold intellectual property rights relating to the IANA function, including IANA trademarks and the IANA.ORG domain name (and other related names).
- Since the last IETF meeting:
  - The ICANN board voted to accept the plan from the ICG (including input from the IETF and other stakeholders).
  - NTIA said the plan met its criteria
    - See <https://www.ntia.doc.gov/press-release/2016/iana-stewardship-transition-proposal-meets-criteria-complete-privatization>

# IANA related preparations of drafts – work in progress



The IETF Trust has engaged discussions for:

1. ICANN IANA IPR Assignment to the Trust
2. Community Agreements between Trust and Operational Communities, incl. IETF
3. License Agreement from Trust to IANA Service Provider "PTI"

# Trust Finances



- The IETF Trust has submitted (June-2) its filing for tax-exempt status as a §501(c)(3) organization under US Internal Revenue Service (IRS) regulations.
  - The trust currently and historically has no revenue and has thus not pursued tax-exempt status.
- The IETF Trust submitted files to open a Trust-owned bank account in July, with a contribution from ISOC to cover the needs of maintaining the Trust in 2016.



# Trust Financial Statements

- Trust financial statements are now separate from the IETF statements
- Statements are issued monthly and started with January 2016
- Annual financial statements are available for 2007–2015

See: <http://trustee.ietf.org/expenses.html>

# May Trust Statement



**IETF Trust**  
**Statement of Activity**  
**For the Month Ending May 31, 2016**

**May Actuals   YTD Actual   YTD Budget   YTD Variance   Annual Budget   Notes**

<b>Income</b>							
Contributions	\$ 9,134	\$ 22,099	\$ 22,355	\$ (256)	\$ 53,655	1	
Miscellaneous	-	8,300	-	8,300	-	2	
<b>Total Income</b>	<b>9,134</b>	<b>30,399</b>	<b>22,355</b>	<b>8,044</b>	<b>53,655</b>		
<b>Expenses</b>							
Professional Services & Fees	2,050	9,050	10,415	1,365	25,000	3	
Insurance	632	3,160	5,065	1,905	12,155	4	
Registrations	-	-	-	-		5	
Other Filings	6,453	17,614	-	(17,614)		6	
Administrative Expenses		576	6,875	6,299	16,500	7	
<b>Total Trust Expenses</b>	<b>\$ 9,134</b>	<b>\$ 30,399</b>	<b>\$ 22,355</b>	<b>\$ (8,044)</b>	<b>\$ 53,655</b>		
<b>Net Surplus/(Deficit)</b>	<b>-</b>	<b>(0)</b>	<b>-</b>	<b>(0)</b>	<b>-</b>		

Contributions – ISOC

Miscellaneous – Fees for document authentications from subpoenas, legal requests

Professional Services – legal expenses

Other Filings – 501c3 expenses (not included in 2016 Budget)

Administrative – storage, etc. (Budget anticipated 501c3 costs in this line item)



# Trust Agreements with ISOC



## Trust Actions June 16:

- Approved Administrative Services Agreement between ISOC and IETF Trust
- Accepted contribution of USD \$60,000 from ISOC to the Trust
- Approved Trust G&A Expenses Proposal

# Adoption of new policies



- The IETF Trust adopted an official Conflict of Interest policy. (April-21)
  - Necessary for tax-exempt status.
  - See <http://trustee.ietf.org/documents/IETF-Trust-Conflict-Policy-31March2016-05-Amended.htm>
- Records Retention Policy adopted (June-16)
  - See: <http://trustee.ietf.org/policies-and-procedures.html>

# Miscellaneous & Contract updates



- IETF Trust awards contract with Contreras Legal Strategies LLC for drafting of Intellectual Property Agreements and Assignments to effect the IANA intellectual property transfer to the IETF Trust
- Thompson Hines hired as new Trademark counsel for the Trust

# Miscellaneous & Contract updates



- Bradner Trust Consulting Agreement (to maintain access to Scott's expertise as needed under confidentiality, pro bono)
- Trust Insurance update
  - D&O Liability coverage increased from \$2 million to \$3 million
  - Professional Liability coverage remains at \$1million



**Any Questions?**



# Backup Material

# The IETF Trust

- The IETF Trust was formed on 2005-Dec-15.
- It has a legal existence as a Trust in the Commonwealth of Virginia.
- It exists to hold intellectual and other property of the IETF.
  - The purposes of the trust include the advancement of educational and public interest by acquiring, holding, maintaining and licensing certain existing and future intellectual property and other property used in connection with the Internet standards process and its administration, for the advancement of the science and technology associated with the Internet and related technology.
  - The Beneficiary of the Trust shall be the IETF as a whole
  - The Trust Assets shall be used solely in furtherance of the Purpose
- More detailed info is available at <https://trustee.ietf.org/>
- Also see RFC4371 and RFC5378

# Current Trustees of the IETF Trust



- There are currently 9 Trustees, all of whom are members of the IAOC.
- The Trustees have a fiduciary duty to protect the IETF' s property!
- Current Trustees:
  - Jari Arkko
  - Lou Berger
  - John Levine
  - Kathy Brown
  - Leslie Daigle
  - Tobias Gondrom (Chair)
  - Ray Pelletier
  - Benson Schliesser
  - Andrew Sullivan



# Trust Legal Provisions (TLP)

- The TLP describes the rights and licenses that the IETF Trust grants to others with respect to IETF Contributions and IETF Documents; as well as certain restrictions, limitations and notices relating to IETF Documents.
- TLP version 5.0 is current:  
<http://trustee.ietf.org/license-info/IETF-TLP-5.htm>

# Subpoenas and Legal Requests



- The IAOC Legal Committee has concluded that we should not respond to Authentication Requests from anonymous requestors (i.e. via their counsel).
  - This enables us to report with transparency to the IETF community.
- In other respects, legal requests and responses have been proceeding as usual.
- For detailed updates & additional information see <http://iaoc.ietf.org/subpoenas.html>

# Lawsuit filed against IETF among others



- Glassey v. Microsemi Inc - ISOC, IETF, ICANN, et al (received 2014-Sep)
  - On 03-Mar-2016 the US 9th District Court of Appeals affirmed all decisions by District Court including dismissing Glassey's action, and motions.
  - See: <https://iaoc.ietf.org/documents/Glassey-Judgment-3March2016.pdf>
  - Much more information, including all detailed filings, is available at <http://iaoc.ietf.org/subpoenas.html>



# IETF Trademark Usage

- The IETF Trust holds the trademarks associated with the name “IETF” and the IETF logo.
- Usage of these trademarks is often permitted when referring to the IETF factually, but licenses may be required for other cases.
  - See the FAQ at <http://trustee.ietf.org/ietf-logo-acronym.html>
- Derivative works are never permitted without a license from the IETF Trust.