

# AT LARGE CAPACITY BUILDING WORKSHOP: AN INTRODUCTION TO POLICY DEVELOPMENT AT ICANN

*A Case Study:*

*Competition, Consumer Trust, Consumer Choice*

# *Competition, Consumer Trust, Consumer Choice*

## Developing an ALAC Policy Statement: a Recap:



*ALAC policy advice development process*

# *Competition, Consumer Trust, Consumer Choice*

## **You are the Penholder: What to do:**

- Read, Read, Read
  - The document to be responded to
  - Background documents
  - ALAC Policy Statements – what have we said on the issue
- What are the issues?
- What is/are the impacts on end users
- Is a Statement Necessary?
- Draft a statement –
  - Identify the issue(s) ALAC is commenting on
  - ALAC's position – and WHY

# *Competition, Consumer Trust, Consumer Choice*

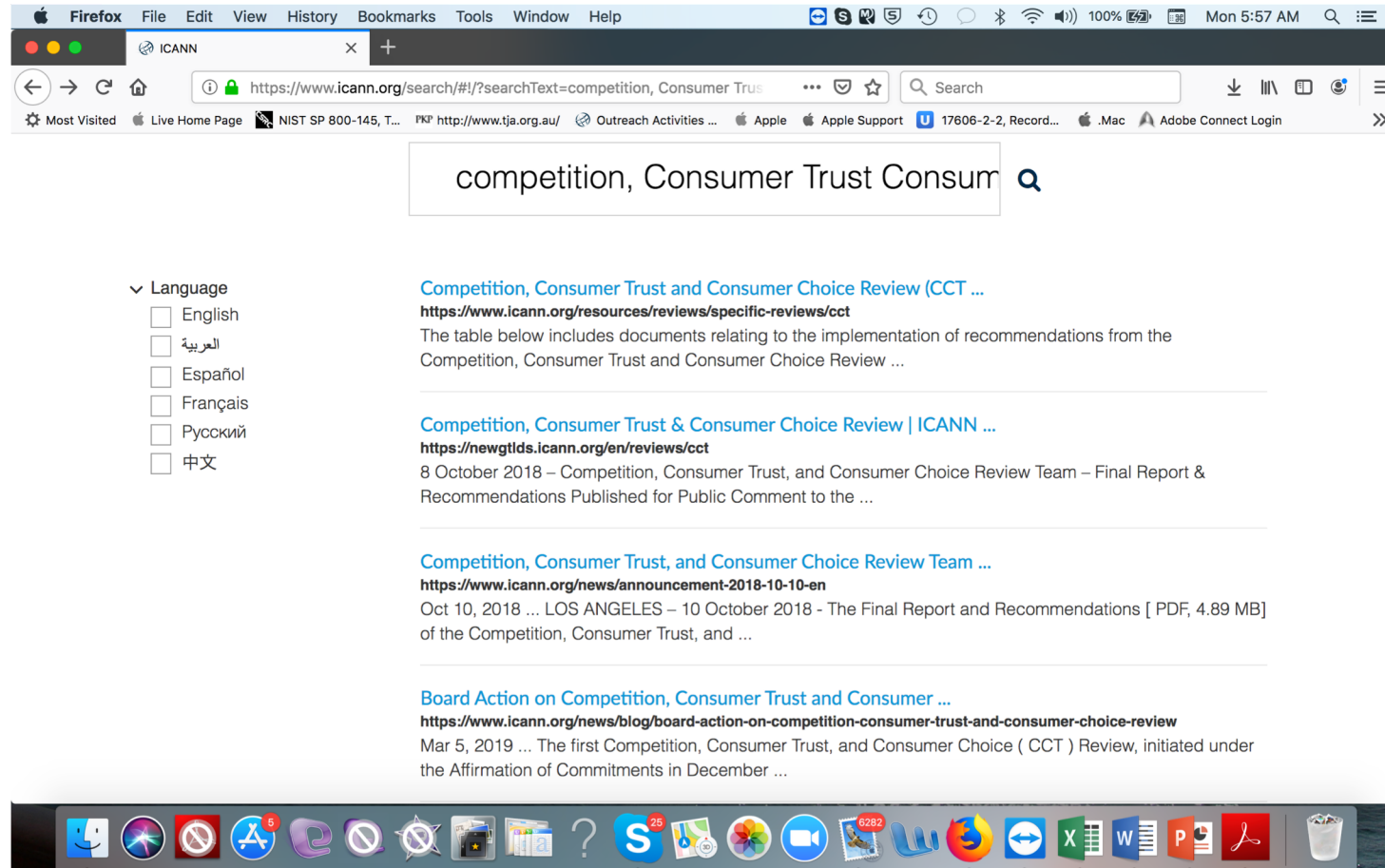
## **The Background: Affirmation of Commitments 2009**

Section 9: Recognizing that ICANN will evolve and adapt to fulfill its limited, but important technical mission of coordinating the DNS, ICANN further **commits to take the following specific actions together with ongoing commitment reviews specified below:...**

9.3 Promoting competition, consumer trust, and consumer choice: ICANN will ensure that as it contemplates expanding the top-level domain space, the various issues that are involved (including competition, consumer protection, security, stability and resiliency, malicious abuse issues, sovereignty concerns, and rights protection) **will be adequately addressed prior to implementation.** If and when new gTLDs (whether in ASCII or other language character sets) have been in operation for one year, ICANN will organize a **review** that will examine **the extent to which the introduction or expansion of gTLDs has promoted competition, consumer trust and consumer choice,** as well as effectiveness of (a) the application and evaluation process, and (b) safeguards put in place to mitigate issues involved in the introduction or expansion. ICANN will organize a further review of its execution of the above commitments two years after the first review, and then no less frequently than every four years....

# Competition, Consumer Trust, Consumer Choice

## The documents: ICANN



# Competition, Consumer Trust, Consumer Choice

## The Documents: ALAC

The screenshot shows a Firefox browser window displaying the ICANN Policy Comments & Advice page. The browser's address bar shows the URL <https://atlarge.icann.org/policy-summary>. The page has a purple header with navigation links in multiple languages: English, العربية, Español, Français, Português, Русский, and 中文. On the left side, there is a 'Search Comments & Advice' sidebar with filters for Title Contains, Penholder, Publish Date Range, and Topic. The 'Topic' filter is expanded, showing 'Accountability/Transparency' with 2 results and 'Contracted Party Agreements' with 0 results. The main content area, titled 'Policy Comments & Advice', displays a list of documents with columns for 'Publish Date' and 'Title'. The documents listed are:

Publish Date	Title
11 Dec 2018	<a href="#">Competition, Consumer Trust, and Consumer Choice Review Team (CCT) Final Report &amp; Recommendations</a> Topic(s): <a href="#">Reviews/Improvements</a>
15 Jan 2018	<a href="#">Competition, Consumer Trust, and Consumer Choice Review Team – New Sections to Draft Report of Recommendations</a> Topic(s): <a href="#">DNS</a> , <a href="#">Reviews/Improvements</a>
18 May 2017	<a href="#">Competition, Consumer Trust and Consumer Choice Review Team Draft Report of Recommendations for New gTLDs</a> Topic(s): <a href="#">DNS</a>
26 Feb 2013	<a href="#">ALAC Correspondence on the Report of the GNSO WG on Consumer Trust, Consumer Choice, and Competition</a> Topic(s): <a href="#">Accountability/Transparency</a> , <a href="#">ICANN Board/Bylaws</a> , <a href="#">New gTLDs</a>
16 Apr 2012	<a href="#">Draft Advice Letter on Consumer Trust, Consumer Choice, and Competition</a>

The bottom of the screenshot shows a Mac OS X dock with various application icons, including Finder, Spotlight, Mail, Safari, and others.

# *Competition, Consumer Trust, Consumer Choice*

## *The Reading*

- **Draft Report: March 2017**
  - ALAC Comments
- **Draft Report – Additional Sections: November 2017**
  - ALAC Comments
- **Final Report: September 2018**
  - ALAC Comments

# *Competition, Consumer Trust, Consumer Choice*

## *Draft Report: March 2017*

Report's Recommendations in three main categories

- Requests for more and better data collection
- Policy issues to be addressed by the community
- Suggested reforms relating to transparency and data collection within ICANN Contractual Compliance



# *Competition, Consumer Trust, Consumer Choice*

## *ALAC Response: May 2017*

- Lack of definition/methodology to determine consumer trust
- Concern over 'parked' new gTLDs and their use; should they be counted in contributing to consumer choice
- Lack of data on consumer confusion, noting consumer expectation of a connection between the name and the website, and that there will be restrictions to ensure the connection
- Small number of applicants FROM the global south
- Support for recommendations for
  - further research of 'parked' domains and their use
  - further information on consumer choice and consumer trust
  - Recommendations on public interest commitments

# *Competition, Consumer Trust, Consumer Choice*

## *Draft Report - New Sections: November 2017*

- More 'rigorous' research about 'parked names
- Additional measures to address DNS Abuse, including RAA amendments and incentives and adoption of a DNS Abuse policy
- Additional measures on trademark issues
- Additional measures on 'parked' domains, including relationship between parked domains and competition
- Negotiations on RAAs to prevent systemic use of specific registrars for technical DNS abuse
- Additional (JZ) recommendation on additional requirement for WHOIS information listing resellers associated with registrars

# *Competition, Consumer Trust, Consumer Choice*

## *ALAC Response to New Sections: December 2017*

- Support for Recommendation for further collection of data on parked domains
- Support for the additional recommendations on DNS Abuse including:
  - Amendments to Registry agreements to provide incentives for proactive abuse measures and amendments for provisions on prevention of systemic use of specific registrars for technical DNS abuse
  - Conduct publicly available study on relationship between specific registry operators, registrars and DNS abuse
  - Establish DNS Abuse Resolution policy
- Support for additional requirement for WHOIS information listing resellers associated with registrars

# *Competition, Consumer Trust, Consumer Choice*

## *Final Report: September 2018*

Report's Recommendations in three main categories

- Requests for more and better data collection
- Policy issues to be addressed by the community
- Suggested reforms relating to transparency and data collection within ICANN Contractual Compliance

# *Competition, Consumer Trust, Consumer Choice*

## *ALAC Response: December 2018*

Support for the Following Recommendations:

- Recommendation on Data driven Analysis
- Recommendations on Consumer Choice (with proviso to wait for outcomes of ICANN response to GDPR)
- Recommendations on Consumer Trust
- Recommendations on Safeguards
- Recommendations on Evaluations

*Competition, Consumer Trust, Consumer Choice*

***Thank you***  
***Questions***