

Public Comment Trends Report

January 2010 to December 2018

Policy Development Support Team
1 September 2019



TABLE OF CONTENTS

| | | |
|----------|--|-----------|
| 1 | Executive Summary | 2 |
| 2 | Findings Related to Public Comment Proceedings | 4 |
| 2.1 | Proceedings Per Year..... | 4 |
| 2.2 | Proceedings Translated..... | 6 |
| 2.3 | Proceedings Length..... | 6 |
| 3 | Findings Related to Public Comment Submissions | 11 |
| 3.1 | Highest Number of Submissions | 11 |
| 3.2 | Proceedings with Zero Submissions | 12 |
| 3.3 | Participation Levels..... | 13 |
| 4 | Other Findings | 17 |
| 4.1 | Participation Levels..... | 17 |
| 4.2 | Proceeding Length..... | 17 |
| 4.3 | Translations..... | 17 |
| 4.4 | Ongoing Matters | 17 |
| 4.5 | Process Changes and Planned Improvements..... | 19 |
| 5 | Appendix A: Background and Overview | 21 |
| 6 | Appendix B: Public Comment Proceedings Receiving Zero Submissions (2010-2018) | 24 |

Public Comment Data Analysis

1 Executive Summary

This report represents the sixth in a succession of Public Comment analyses that began formally in May 2013 studying the period 2010-2012. For those readers interested in the history of Public Comment analyses, Appendix A: Background and Overview, explains the origin of these analyses, including links to previous reports, and their relationships to Accountability Transparency Review Team (ATRT) recommendations and implementations.

Although the original purpose of studying Public Comment proceedings was to understand the impacts of specific improvements implemented (e.g., ATRT1, ATRT2) at various points in time, this iteration of the report represents a more generic assessment of overall trends and patterns occurring throughout the eight-year period (2010-2018) and does not focus on specific improvement initiatives previously vetted.

This report does not capture data related to community consultations or other requests for community input by ICANN org. Due to community concerns, ICANN org is preparing internal guidelines for Public Comment to address the inconsistency of alternative mechanisms for community feedback. Furthermore, improvements to Public Comment are included in the project scope of the Information Transparency Initiative.

KEY SUMMARY FINDINGS AND CONCLUSIONS

Below is a summary of key findings of this report. The key observations are more fully elaborated in Section 4: Overall Findings, Conclusions, and Recommendations.

- ⦿ **Total Number of Public Comment Proceedings.** The total number of Public Comment proceedings has declined approximately 10% in 2010-2018. See Section 2.1
- ⦿ **Quantity by Team.** There has been a shift in recent years as to which ICANN org teams publish the highest quantity of Public Comment proceedings. From 2010-2013, the Policy Development Support team (Policy) opened the most proceedings, and from 2014 through 2017, the Global Domains Division (GDD) opened the most proceedings. In 2018, the highest quantity of Public Comment proceedings was from Multistakeholder Strategy and Strategic Initiatives (MSSI). See Section 2.1.
- ⦿ **Translations.** The percentage of proceedings translated into languages other than English had fallen from a high of nearly 50% in 2010 to just under 10% in 2013. However, in the years 2015 and 2016, there was a marked turnaround ascending to ~20%. 2017 shows a return to 10%, while 2018 increased again to 21%. See Section 2.2.
- ⦿ **Length of Public Comment Proceedings.** The length of time (days) Public Comment proceedings remain open increased from 42-44 days in 2010-2011 to 50-52 days throughout the past six years. See Section 2.3.
- ⦿ **Proceedings with Fewest Submissions.** The percentage of proceedings experiencing zero submissions from the ICANN community has decreased markedly since 2010-2014. In 2015, 2017 and 2018, every proceeding received submissions and, in 2016, only 2% had no submissions. See Section 3.2
- ⦿ **Number of Submissions.** In terms of participation levels, during the nine-year period from 2010-2018, the median number of submissions per proceeding has been relatively stable between 5-7 until this most recent year of 2018 with 9.5. See Section 3.3.

YEAR SUMMARY: 2018

The following table provides a quick summary of the key data fields captured for the most recent calendar year (2018). In later report sections, this data will be compared to and contrasted with previous years in various tables, charts, and graphs.

| Owner | Proceedings | Average Length | Total Submissions | Translations |
|-------------|-------------|----------------|-------------------|--------------|
| Policy | 9 | 49 | 189 | 1 |
| Strategic | 16 | 62 | 170 | 3 |
| GDD | 8 | 45 | 79 | 1 |
| Finance | 3 | 49 | 64 | |
| Technical | 8 | 54 | 76 | 5 |
| Engagement | 3 | 47 | 39 | |
| HR | 1 | 47 | 6 | |
| Grand Total | 48 | 53 | 623 | 10 |

A NOTE ABOUT DATA COLLECTION

The data collection process involves harvesting information from each of the Public Comment pages archived on icann.org and building an Excel workbook for subsequent analysis. Once the data is available in spreadsheet form, various statistical calculations and other summarizations are prepared along with graphs/charts highlighting trends and patterns. Sections 2 and 3 of this report present various findings that may be useful as input to those who will continue working toward improving the Public Comment function within ICANN org. Section 4 summarizes findings that can be gleaned from the various data analyses.

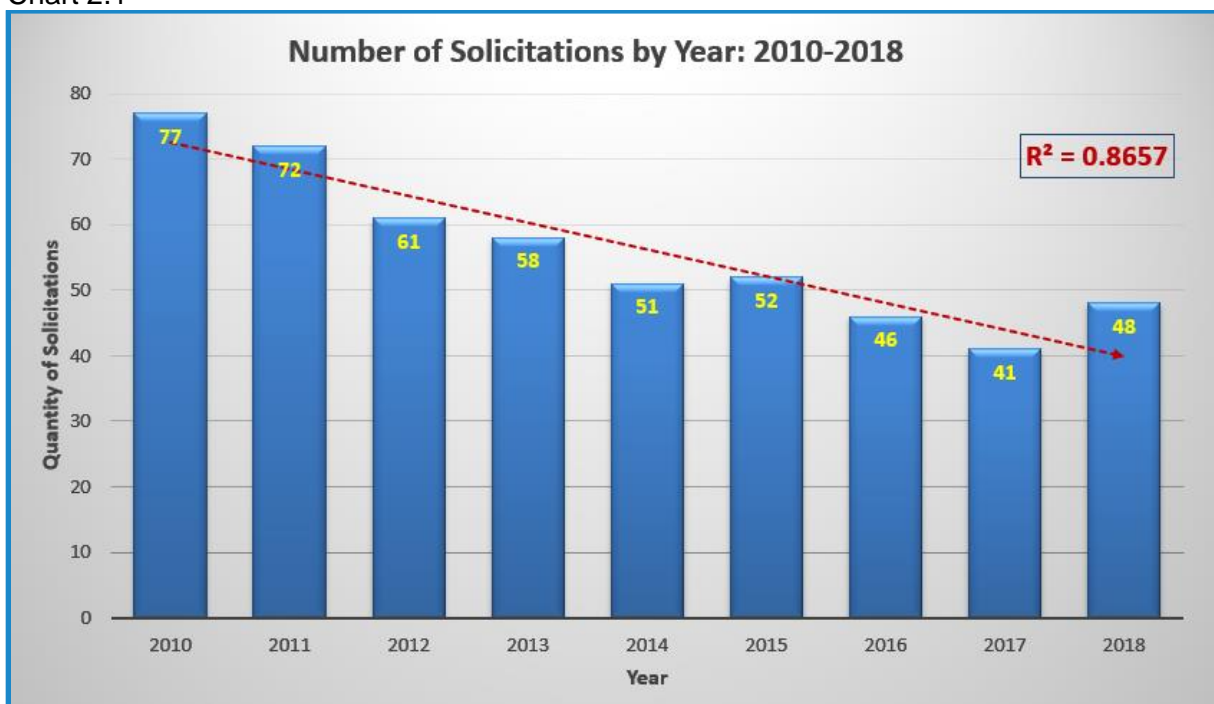
2 Findings Related to Public Comment Proceedings

There were 506 Public Comment proceedings (Jan 2010-Dec 2018) included as part of this data analysis. This section summarizes those findings related to the proceedings themselves; whereas, Section 3 will report statistics related to submissions.

2.1 Proceedings Per Year

Chart 2.1 below shows the number of proceedings by year (using Close Date) during the nine-year horizon.¹

Chart 2.1



One way to help understand the decline in overall volumes is to examine the number of proceedings by ICANN org team. The next Chart 2.2 shows that the two largest overall contributing teams to ICANN Public Comment proceedings are Policy and GDD which, together, make up 65% (down from 4% the prior year) of the total volume of proceedings from 2010-2018.

¹ Although there is a downward trajectory (~ -7.6% CAGR = Compound Annual Growth Rate, which in this instance, is negative) in the number of proceedings per year, there is no evidence to suggest that it is symptomatic of anything other than the normal ebb and flow of work confronting ICANN especially given that 2018 reduced the CAGR by over 200 basis points from 2017. On a quarterly basis, the number of proceedings has declined from a high of 19 in 2010 to just under 12 in 2018.

Chart 2.2

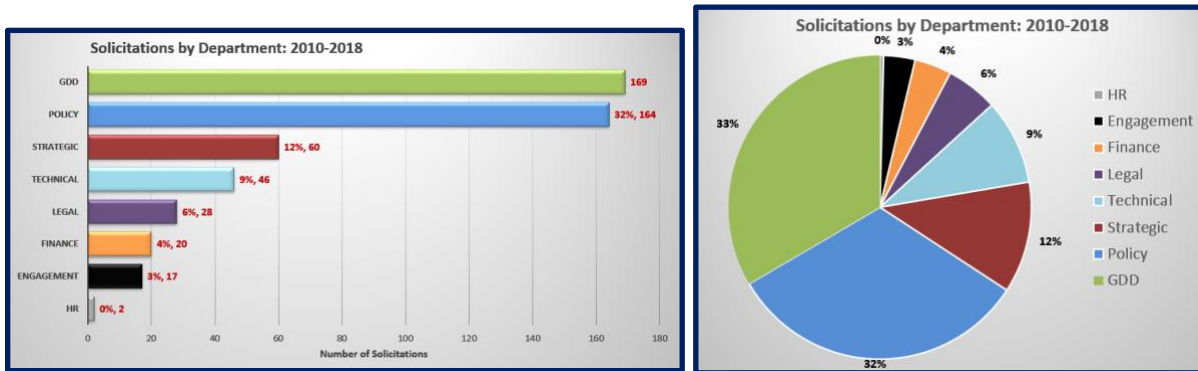
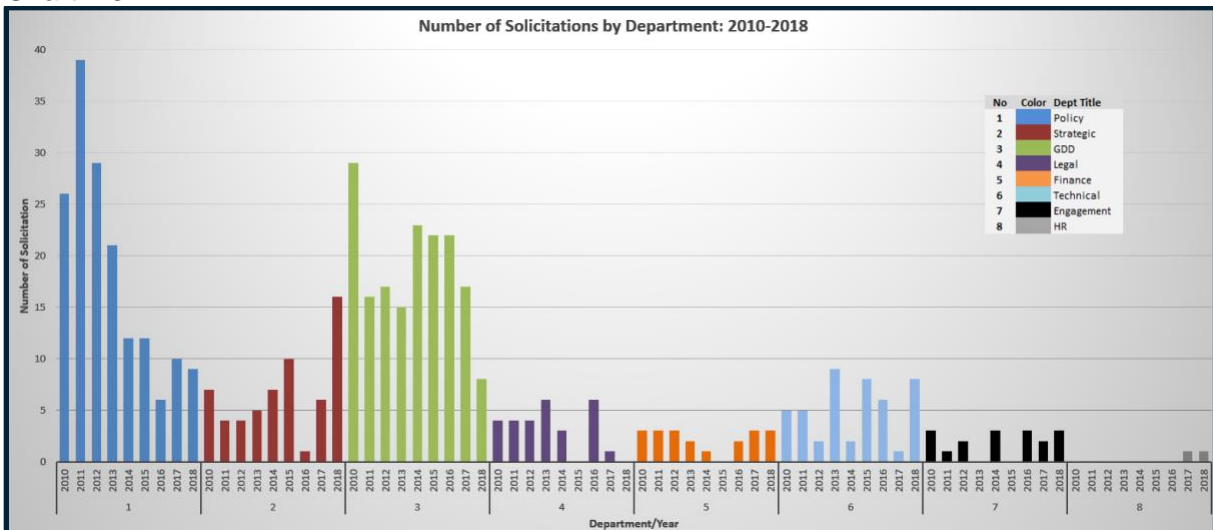


Chart 2.3₂



Since Policy and GDD make up 65% of the total volume of proceedings from 2010-2018 together, it can be helpful to look at the volume figures of these two departments over the last nine years. In chart 2.3, looking more closely at Policy and GDD it can be seen that Policy Development Support department witnessed steadily decreasing volumes in nearly all succeeding years. After experiencing its peak in 2010 GDD's volumes stayed relatively stable until 2017 followed by a drop in 2018. Although significant variations occur within teams, the overall number of proceedings closed each month has been relatively stable over the time period and, barring any fundamental shifts in the underlying dynamics, would be predicted to continue in the approximate range of 12-15 per quarter (or 4-5 per month) on average.

2 In Chart 2.3, looking more closely at Policy and GDD, it can be seen that GDD experienced a peak in 2010 followed by a drop to 15-17 proceedings/year in 2011-2013. GDD's volumes then increased to 22-23 proceedings in years 2014-2016, with a decrease in 2017.

Policy's peak occurred in 2011 and has witnessed steadily decreasing volumes in nearly all succeeding years. Policy's volume in 2017 (10) is 75% lower than the number of proceedings closed in 2011 (39).

All other teams' volumes have been relatively stable except for a noticeable drop in proceedings posted by the MSS team in 2016.

2.2 Proceedings Translated

One of the data elements captured for each proceeding was whether or not translation services were utilized (see Chart 2.4). For this purpose, a proceeding was scored “Yes” for translations if there was evidence that any portion of the materials presented was made available in a language other than English³. There was no minimum requirement for number of languages selected or extent/type of material translated. Even if just one reference document was available in another language (e.g., French, Spanish), it was counted as having utilized translation services.

Chart 2.4

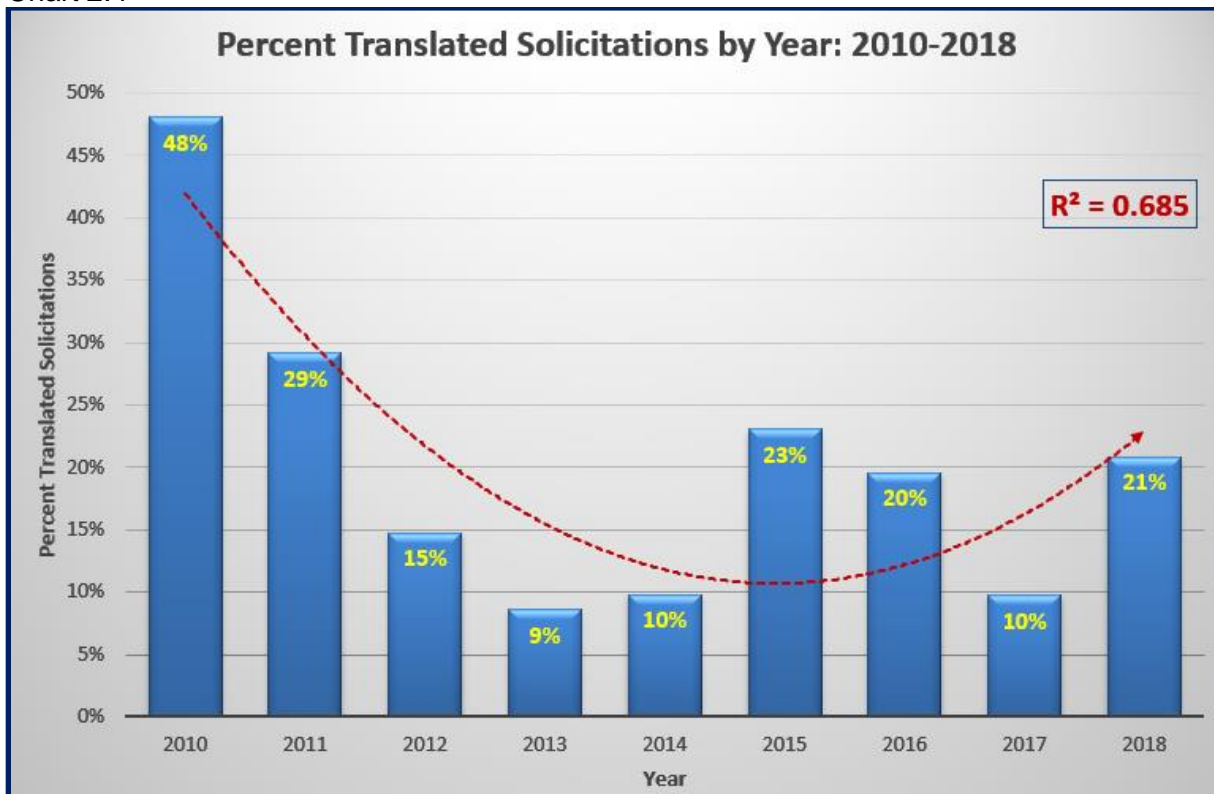


Chart 2.4 above shows that, from 2010-2013, there was a steady decline in the use of translations for Public Comment proceedings; however, that trend appears to be reversing as indicated by the relatively noticeable increase during 2014-2016. From 2016-2018 only 14 of the 89 proceedings contained translations. It is expected that if 2019 can meet or exceed 2018, the trend will return back to results seen in early 2015 by the Policy team, working with the Language Services team, to increase the number of translated proceedings.

2.3 Proceedings Length

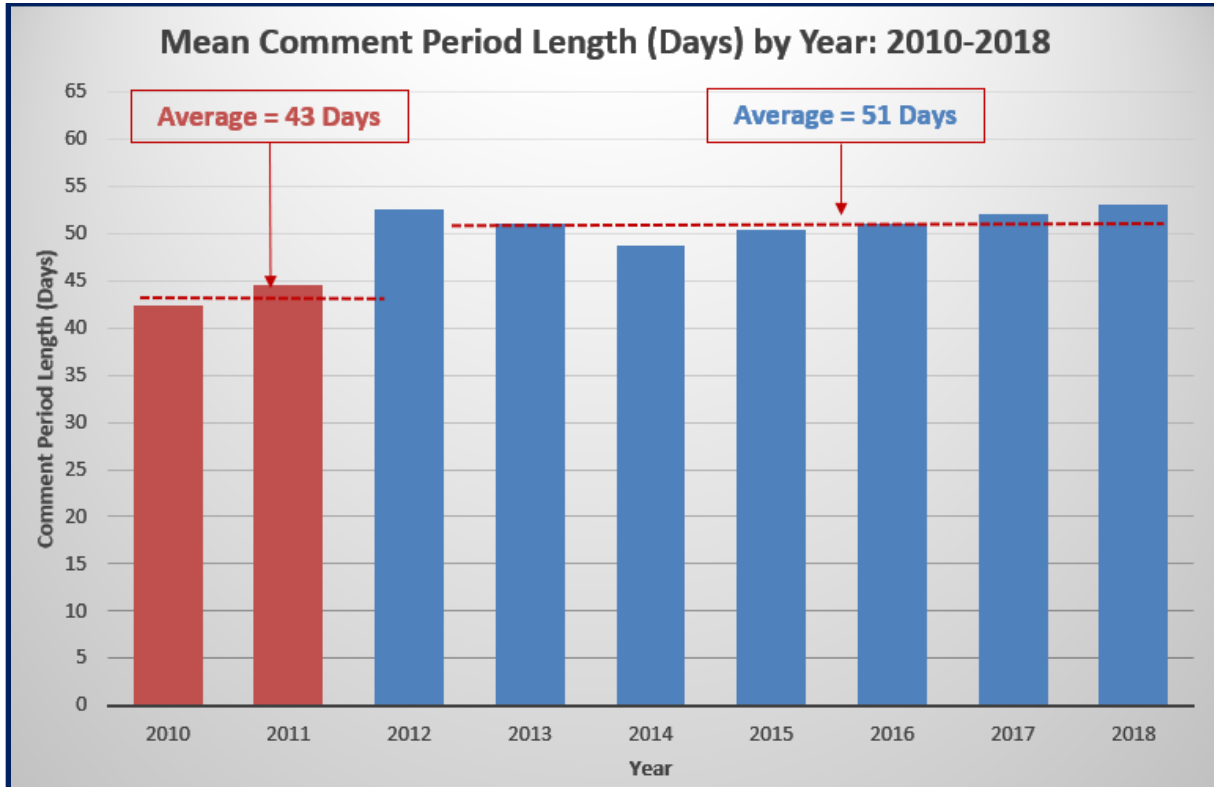
Based upon the published Open and Close Dates (extended dates were always used where applicable), it was possible to determine the average (mean) length of time that Public Comment proceedings remained open for community participation.

The following Chart 2.5 illustrates that the average length for Public Comment proceedings was 43 calendar days in 2010-2011 but has averaged 51 days from 2012-2018. The overall

³ This data references only Public Comment proceedings not announcements, which are often translated.

comment period length has step-increased by 8 days on average. This result can be traced to a combination of: (1) ATRT1 improvements (2012-2014) and (2) changes to ICANN org guidelines (ATR2) in direct response to ICANN community requests for increased time to provide feedback.

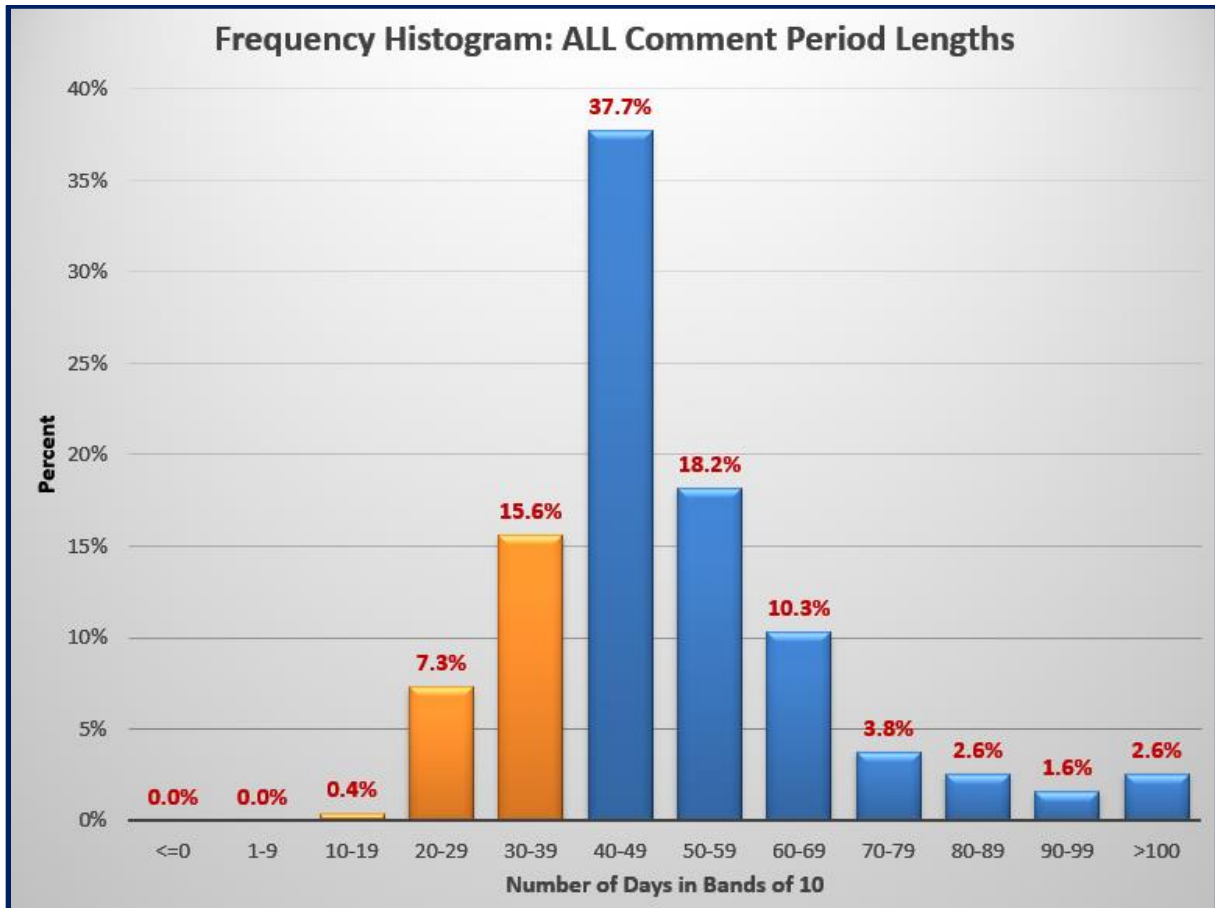
Chart 2.5



In concert with the suspension of Reply Cycles effective January 2015, the target minimum default period for Public Comment proceedings was established at 40 days; however, the mean length has remained in the range of 50-52 days. In some cases, extra days due to ICANN Public Meetings and major public and religious holidays extend the length of a typical proceeding. During the past four years (2015-2018), 93% of all Public Comment proceedings have been open for at least 40 days – a minimum default period established in January 2015.

The next chart (2.6) is a frequency histogram showing the complete history (2010-2018) of proceeding lengths where the vertical axis represents percentage and the horizontal axis shows the number of days in groups of 10. The tallest bar, then, indicates that 37.7% of all proceedings (191 of 458) were open between 40-49 days.

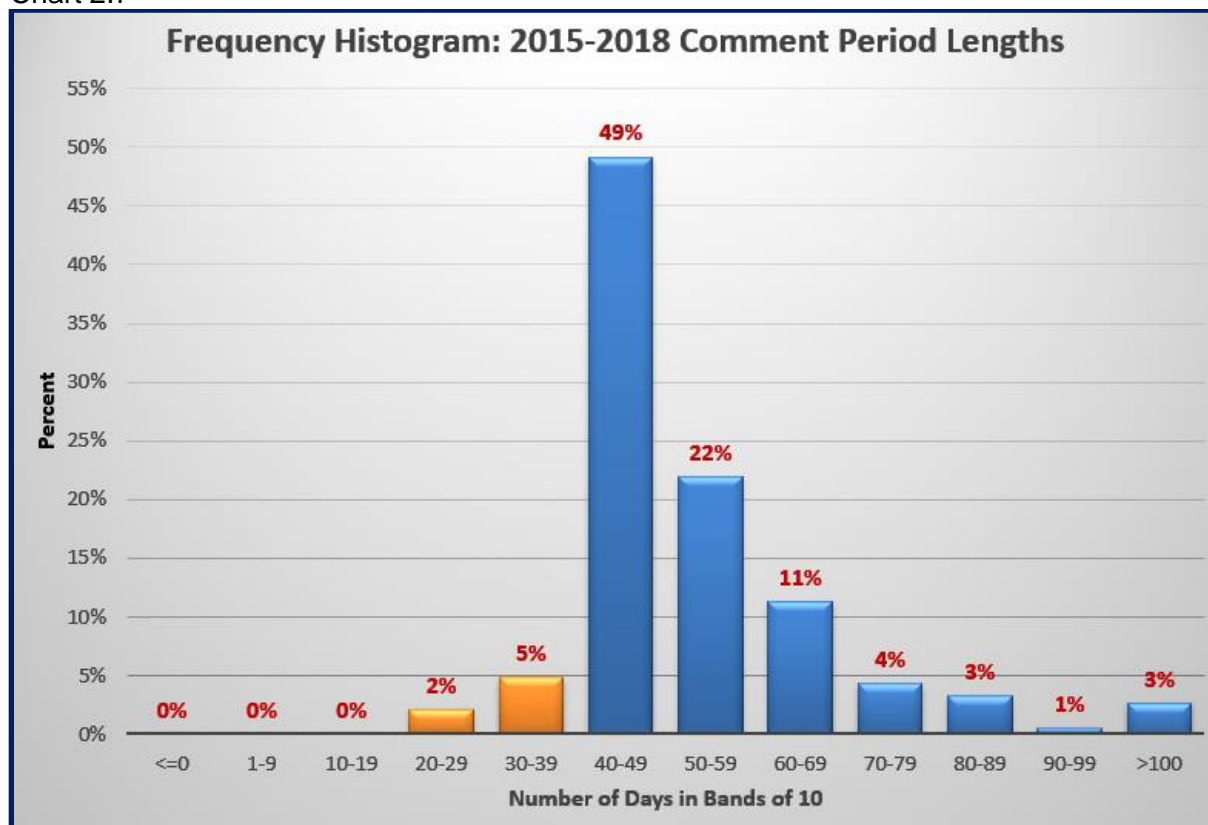
Chart 2.6



Over the course of the nine-year horizon, the above chart shows that .4% (2) of all proceedings were open for 10-19 days, 7.3% (37) for 20-29 days, and another 15.6% (79) for 30-39 days. Adding the three orange-shaded bars together, 23.3% of all proceedings were open for less than 40 days, which, as of January 2015, became the targeted minimum ICANN org standard.

To examine the most recent experience of ICANN org teams adhering to the minimum guidelines for proceeding length (change effective January 2015), Chart 2.7 (below) displays the last four years (2015-2018) of Public Comment proceedings (Total=187) in the form of a frequency histogram using the same axis structure as the previous diagram.

Chart 2.7



The above histogram confirms that 93% of proceedings in those three years were open for 40 days or longer (blue-shaded bars), thus satisfying the minimum target requirement. On the other hand, 2% of those proceedings (3) were open for 20-29 days while 5% (7) were open for 30-39 days – both below the standard period length.

Table 2.1 below is a listing of the 10 Public Comment proceedings that were open for less than 40 days in 2015-2018 sorted chronologically by Year/Quarter. Each row also displays the Open and Close dates as well as the total number of days during which ICANN community submissions were accepted as having met the published timeframe. It is important to note that some topics require proceedings less than the target 40-day proceeding length, such as changes prompted by the ICANN Bylaws and the Generic Names Supporting Organization (GNSO) Operating Procedures.⁴

| Public Comment Title | Year | Qtr | Mo | Open | Close | Days |
|--|------|-----|----|-----------|-----------|------|
| 2nd Draft Proposal of the Cross Community Working Group to Develop an IANA Stewardship Transition Proposal on Naming Related Functions | 2015 | 2 | 5 | 22-Apr-15 | 20-May-15 | 29 |
| CCWG-Accountability - Draft Proposal on Work Stream 1 Recommendations | 2015 | 4 | 12 | 30-Nov-15 | 21-Dec-15 | 22 |
| Draft New ICANN Bylaws | 2016 | 2 | 5 | 21-Apr-16 | 21-May-16 | 31 |

⁴ The GNSO requires a 21-day minimum for any Public Comment period related to proposed changes to their Operating Procedures (see the [ICANN Bylaws, Article 11 Generic Names Supporting Organization, §11.3.d \(2018\)](#): “The GNSO Operating Procedures shall be effective upon the expiration of a twenty-one (21) day public comment period, and shall be subject to Board oversight and review.”).

| | | | | | | |
|--|------|---|----|-----------|-----------|----|
| Draft Root Zone Evolution Review Committee (RZERC) Charter | 2016 | 3 | 7 | 10-Jun-16 | 10-Jul-16 | 31 |
| Draft PTI Articles of Incorporation | 2016 | 3 | 7 | 1-Jul-16 | 31-Jul-16 | 31 |
| PTI Governance Documents | 2016 | 3 | 8 | 8-Jul-16 | 7-Aug-16 | 31 |
| Draft PTI Bylaws | 2016 | 3 | 8 | 12-Jul-16 | 11-Aug-16 | 31 |
| IANA Naming Function Agreement | 2016 | 3 | 9 | 10-Aug-16 | 9-Sep-16 | 31 |
| Middle East and Adjoining Countries 2016-2019 Strategy | 2016 | 4 | 11 | 28-Oct-16 | 17-Nov-16 | 21 |
| Address Supporting Organization (ASO) Review Final Report | 2017 | 3 | 9 | 8-Aug-17 | 6-Sep-17 | 30 |
| Proposed Consensus Policy on Protections for Certain Red Cross and Red Crescent Names in All Generic Top-Level Domains | 2018 | 4 | 12 | 21-Nov-18 | 14-Dec-18 | 24 |

3 Findings Related to Public Comment Submissions

This section summarizes findings that relate to ICANN community Public Comment submissions⁵ rather than the formal proceedings themselves.

3.1 Highest Number of Submissions

The top fifteen Public Comment proceedings during the years 2010-2018 are shown in Table 3.1 below, sorted in descending order by total number of submissions received:

Table 3.1

| Public Comment Proceeding Title | Close-Date | Submissions |
|--|------------|-------------|
| Phased Allocation Program in .JOBS | 15-Jul-10 | 316 |
| New gTLD Program – Draft Expressions of Interest/Pre-Registrations Model | 27-Jan-10 | 277 |
| "Closed Generic" gTLD Applications | 7-Mar-13 | 252 |
| Proposal for Renewal of the .NET Registry Agreement | 10-May-11 | 186 |
| Proposed Final New gTLD Applicant Guidebook | 15-Jan-11 | 177 |
| New gTLD Program - Draft Applicant Guidebook, Version 4 and Explanatory Memoranda | 21-Jul-10 | 164 |
| New gTLD Board Committee Consideration of GAC Safeguard Advice | 14-May-13 | 129 |
| New gTLD Applicant Guidebook – April 2011 Discussion Draft | 15-May-11 | 107 |
| Cross Community Working Group on Enhancing ICANN Accountability 2nd Draft Report (Work Stream 1) | 12-Sep-15 | 101 |
| CCWG-Accountability - Draft Proposal on Work Stream 1 Recommendations | 21-Dec-15 | 99 |
| Public Comment on Proposed Amendment to .COM Registry Agreement | 12-Aug-16 | 99 |
| GNSO Initial Report on the IGO-INGO Access to Curative Rights Protection Mechanisms Policy Development Process | 30-Mar-17 | 47 |
| Initial Report on the New gTLD Subsequent Procedures Policy Development Process (Overarching Issues & Work Tracks 1-4) | 26-Sep-18 | 63 |
| Initial Report of the New gTLD Auction Proceeds Cross-Community Working Group | 11-Dec-18 | 42 |
| Initial Report of the Expedited Policy Development Process (EPDP) on the Temporary Specification for gTLD Registration Data Team | 21-Dec-18 | 41 |

⁵ As noted in Section 1-Background & Overview, a recommendation of ATRT1 was implemented during the period from Q2/2012 through Q4/2014, which bifurcated each Public Comment proceeding into a Comment period and Reply cycle. Based upon the results of a thorough ICANN org analysis, that process step was eliminated effective January 2015. For this report, the term “comments” returns to its pre-ATRT2 meaning; however, for the periods when “Replies” were submitted, those corrected values have been included so as not to misrepresent the total community response levels at the time.

It appears that the highest number of submissions were related to the New gTLD program. The past two years of proceedings have not produced the same level of submissions in years prior to 2017, and as such, the baseline has been reduced down to the area of 50 instead of 100 submissions.

(Two proceedings dealing with the .XXX domain (May & September 2010) were not included, as they are considered significant outliers having received over 13,000 and 700 submissions respectively. In addition, a proceeding dealing with “GNSO Privacy & Proxy Services Accreditation Issues” (July 2015) received over 11,000 submissions and was similarly removed.)

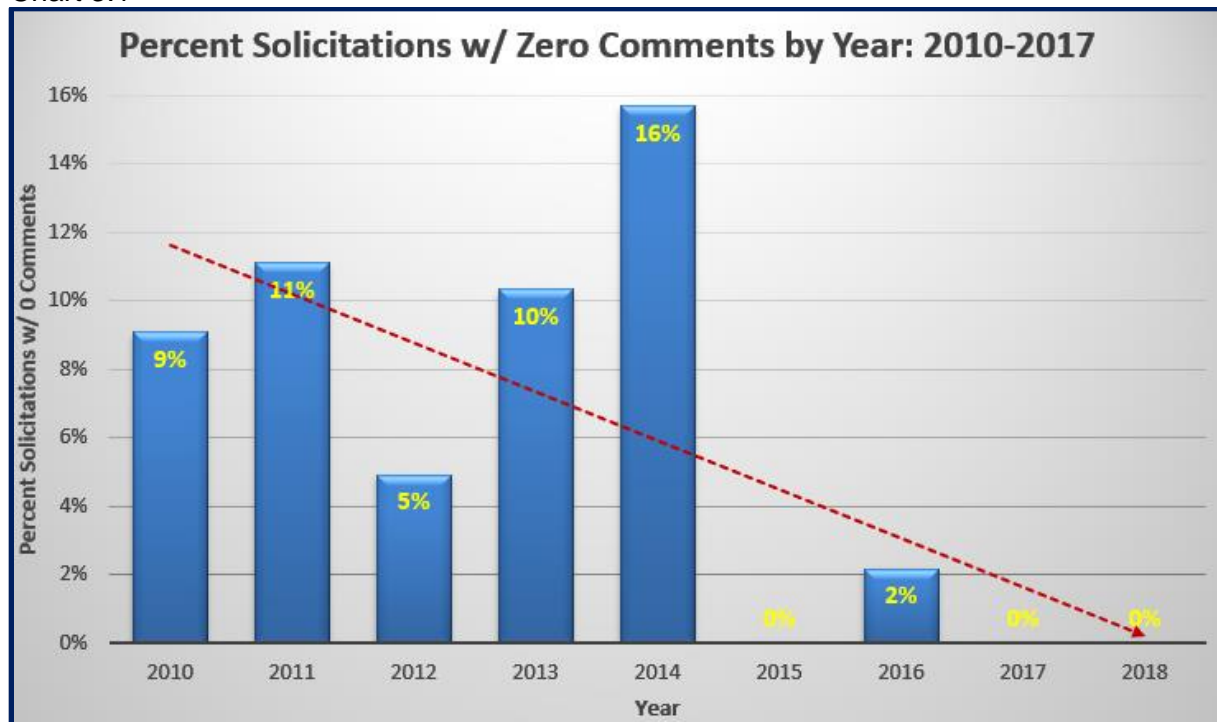
3.2 Proceedings with Zero Submissions

At the opposite end of the spectrum (see Table 3.2 to the right), there were 33 or 8% of Public Comment proceedings (see Table 3.2, column 3) for which there were no submissions.

This information is also depicted graphically below in Chart 3.1.

| Year | Total Proceedings | Zero Submissions | Percent |
|-----------|-------------------|------------------|---------|
| 2010 | 77 | 7 | 9% |
| 2011 | 72 | 8 | 11% |
| 2012 | 61 | 3 | 5% |
| 2013 | 58 | 6 | 10% |
| 2014 | 51 | 8 | 16% |
| 2015 | 52 | 0 | 0% |
| 2016 | 46 | 1 | 2% |
| 2017 | 41 | 0 | 0% |
| 2018 | 48 | 0 | 0% |
| Totals... | 417 | 33 | 8% |

Chart 3.1



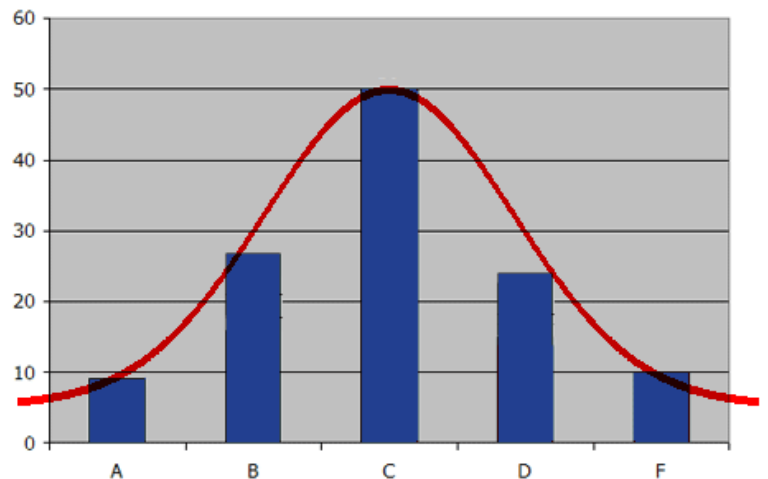
The percentage of proceedings experiencing zero submissions from the ICANN community has decreased markedly since 2010-2014. In 2015, 2017 and 2018, every proceeding received submissions and, in 2016, only 2% had no submissions.

3.3 Participation Levels

In order to compute a statistically representative number of responses that reflects Public Comment from 2010-2018, it is important to recognize that several proceedings generated abnormally high Public Comment submission levels (see fifteen list in Table 3.1 above). If one were to calculate the simple average (mean) of all submissions received (6,162) across all proceedings over the nine-year horizon (506), it would equal 12 ($5539/458=12.2$); however, that figure is misleading because it is heavily influenced by several unusually large volumes.

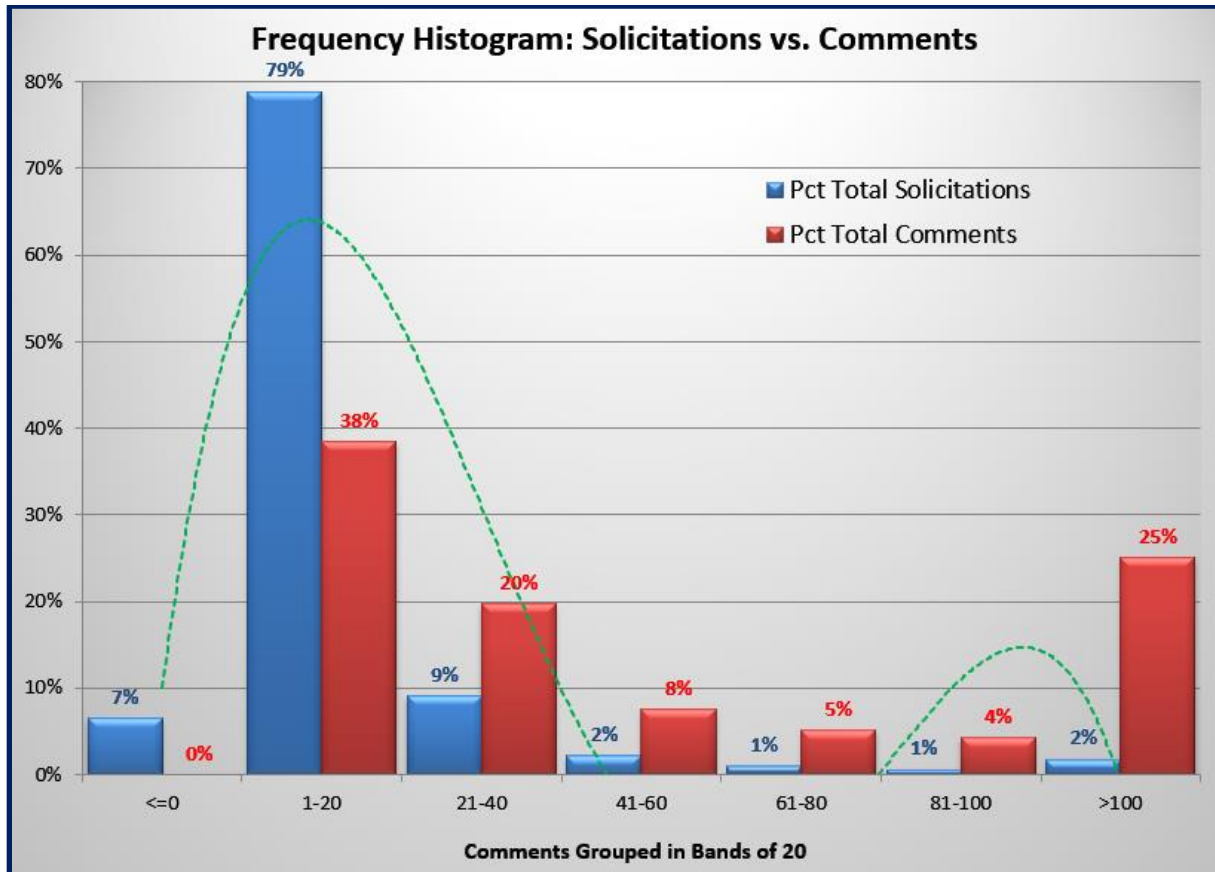
The most appropriate time to use a mean or average is when a set of values approaches a “normal” distribution or “bell curve” (see illustration to the right).

Chart 3.2 (page 14) is a frequency histogram which shows, in increments of 20, the percentage of proceedings (blue) and submissions (red) within each band. For example, the 2nd grouping of bars signifies that 79% of the proceedings (398 out of 506) received 1-20 submissions, but that grouping accounted for only 38% of the total Public Comment submissions received (2628 out of 6839). Similarly, at the upper tail, 2% of the proceedings (9 out of 506) were responsible for 25% of the total submissions received from 2010-2018.



Comparing the shape of Chart 3.2 to a “normal” distribution (above), it becomes clear that a small number of outlier values at one extreme would significantly overstate any representation as to the typical number of submissions experienced overall.

Chart 3.2



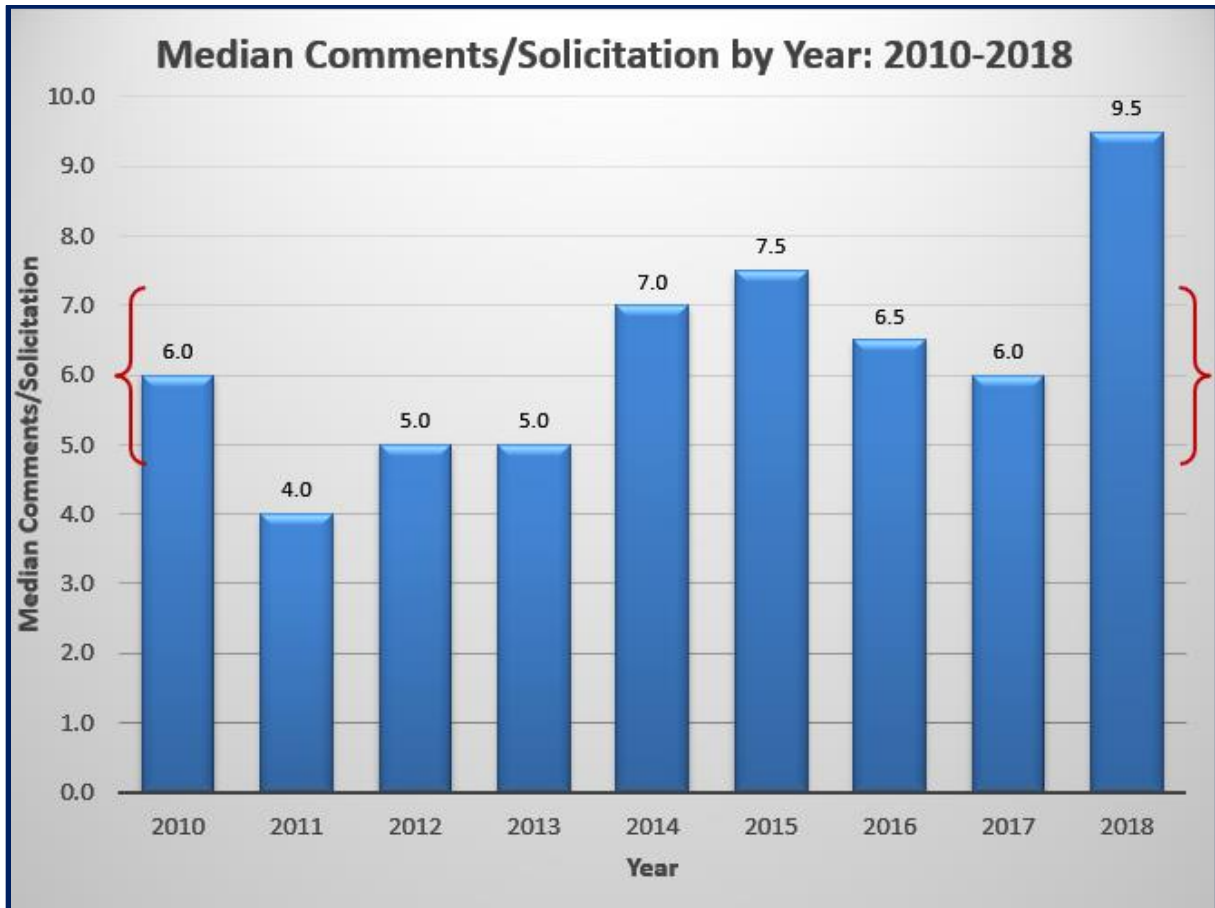
Heavily skewed distribution in which 79% of the proceedings (with 1-20 submissions) account for only 38% of the total submissions received; whereas, at the upper end, 2% of the proceedings (>100 submissions) represent 25% of the total submissions. Note that 7% of all proceedings had zero submissions.

Recognizing that simple averages (means) are inappropriate for such a skewed distribution, the preferred measure of central tendency to apply is the median, that is, the mid-point where 50% of the results occur above and below the statistic.

Having explained the mathematical distortion that would result in using means (or averages) for submission volumes, Chart 3.3 (page 15) shows the median number of submissions by year over the time period. The graphic illustrates that, during the period from 2010 through 2018, the median number of submissions per proceeding has been relatively stable between 5-7 in five of the nine years until this most recent year of 2018 with 9.5.

Anecdotally, the Public Comment team has observed more organized efforts by ICANN community groups to respond to Public Comment proceedings. The decreasing number of Public Comment proceedings may also be a factor in giving ICANN community groups more time to respond.

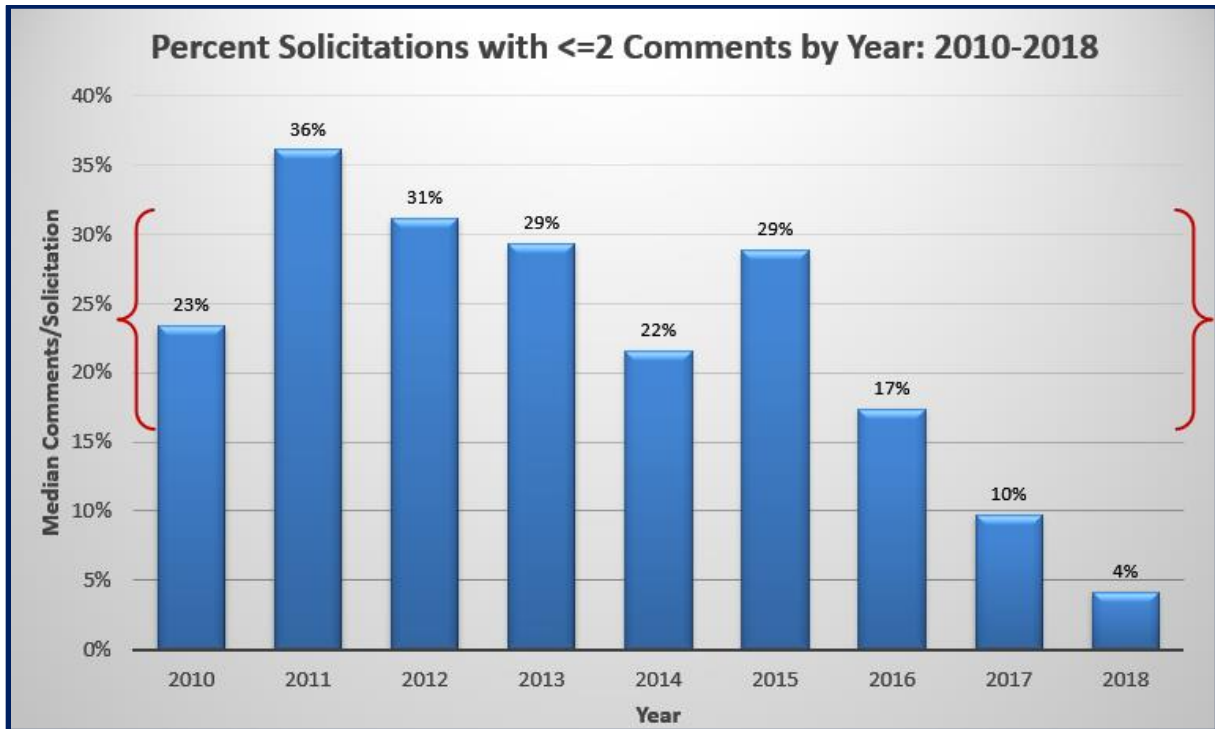
Chart 3.3



While examining overall participation, the next graphic (Chart 3.4) illustrates that 24% of all proceedings from 2010-2018 received less than or equal to 2 submissions and, although not displayed in this chart, 7% (or 33 proceedings) experienced zero submissions (see Table 3.2 and Chart 3.1 above).

There has been no fundamental change in this data before or after the two ATRT implementations nor did it change after the suspension of Reply Cycles effective January 2015 (see Appendix A for further explanation). Beginning in 2016, the number of proceedings receiving 0-2 submissions has decreased.

Chart 3.4



Over the 9-year horizon, a little more than 1 in 4 (24%, down 200 basis points from last year's report) Public Comment proceedings (120 out of 506) accumulated 0, 1, or 2 community submissions. In six out of the 9 years (88%), the percentage of proceedings receiving ≤2 submissions ranged between 23% and 31%.

4 Other Findings

The following sections summarize findings that can be deduced from this data analysis as well as statements indicating where further research is needed.

4.1 Participation Levels

The median number of total submissions per proceeding has typically been in the range of 5-7 throughout the nine-year data horizon, but 2018 saw a 3.5 increase in the median over last year and the highest recording on record. As noted in Section 3.3, there were two years, 2011 (4) and 2015 (7.5), when that value dipped slightly below or above that range. There is no supporting quantitative evidence that community participation levels have been materially affected by any of the changes introduced as a result of ATRT1 or ATRT2 enhancements or, for that matter, any other changes introduced to the Public Comment process.

In evaluating the median number of submissions, it is important to recognize that, in many cases, one response may represent the collective feedback of an entire organization (potentially hundreds of members) rather than a single individual. Several community groups have explained to ICANN.org that they have processes through which they develop and distribute one or more policy position drafts for internal review and consensus (or voting) before they are formally submitted to the Public Comment process.

4.2 Proceeding Length

The analysis has determined that the overall length of proceedings has increased by approximately 8 days (see Section 2.3, Chart 2.5) attributable, at least in part, to the addition of a Reply Cycle averaging 20 days while having only shortened the original average proceeding (43 to 31 days) by 12 (20-12=8). Coincident with the suspension of Reply Cycles in January 2015, the target for each proceeding was established at a minimum of 40 days; however, the actual experience in 2015-2018 has been pretty steadily within the range of 50-52 days. There is no evidence, based upon the data analyzed from 2010-2018, that lengthening the entire period by 8 (from 43 to 51) days has resulted in any measurable change to the response or participation rate.

4.3 Translations

As reported in Section 2.2 (see Chart 2.4), there has been a noticeable increase during 2014-2016 in the percentage of Public Comment proceedings that have been translated into languages other than English. That significant uptick follows a period of steady decline from 2010-2013. However, in 2017 only 10% or 4 proceedings were translated which reverts to a downtrend from the 2014-2016 period. 2018 shows a significant increase, but most of these however were in relation to Label Generation Rule set proceedings and in several cases did not include complete translations.

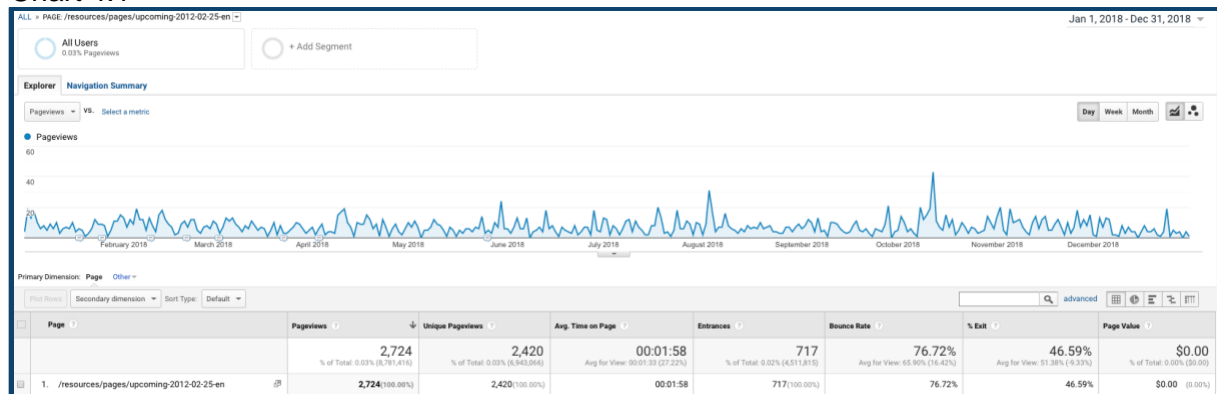
4.4 Ongoing Matters

FORECASTING

No data has been available for analysis that would help assess the extent to which forecasting and publishing “Upcoming Public Comment Proceedings” has been beneficial to the community. To evaluate the value and benefit of this particular enhancement would

require additional research, possibly incorporating a survey instrument or focus group. While not a perfect indicator, the following chart depicts website traffic to that page:

Chart 4.1



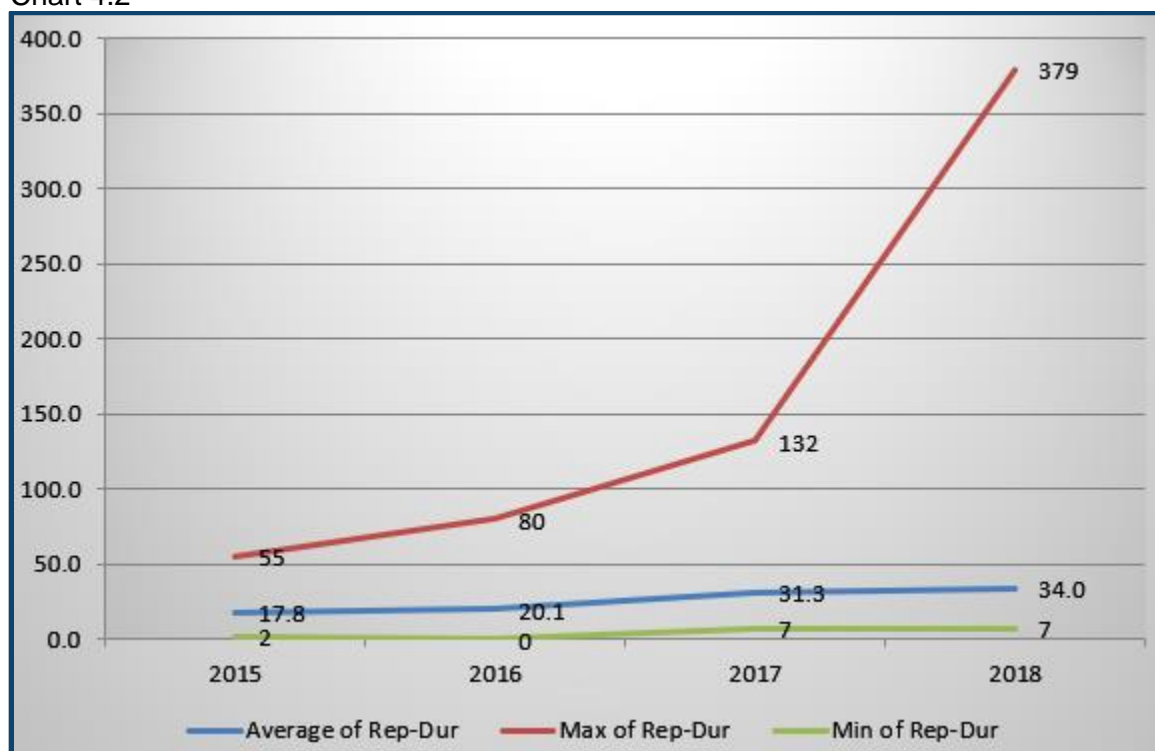
SUMMARY REPORTS

In 2015, a Service Level Objective (SLO) was set for when the summary report of Public Comment should be posted. This standardized the expectations for summary reports, which lacked a clear process before 2015. In general, the duration of the report posting correlates to the number of and complexity of the submissions. The target publication date for the summary report is two weeks after the conclusion of the Public Comment proceeding. When analyzing the duration, it should also be noted that some proceedings depend on a review and response to the submissions, for example a policy development process working group as opposed to a proceeding initiated by the ICANN org.

EXTENSION REQUESTS

The Policy Development Support team reviews requests for extensions and grants them based on the circumstances of each individual proceeding and summary report. The chart below shows the average duration of report posting by year, and it also calls at the greatest and smallest posting durations. In 2018, the duration of report posting on average increased by 3 days from 2017, but also note that there were 7 more proceedings than the prior year with also two outliers beyond 80 days. Thus, the increased range from Min to Max.

Chart 4.2



4.5 Process Changes and Planned Improvements

In February 2016, the Policy team launched an internal, Public Comment portal to process all proceeding requests. The portal streamlines the internal ICANN org process for submitting requests to open and close Public Comment proceedings as well as to request extensions and post Summary Reports. It centralizes the location of the various templates, provides guidelines pertaining on how to open a Public Comment proceeding, and establishes guidelines as to when Public Comment proceedings should be used instead of other means of soliciting community feedback.

A Public Comment team, a team comprised of three Policy Development Support team members, manages the portal and collaborates with the Web Content Operations team to ensure timely approvals of all requests. The portal has improved the internal workflow and allowed for better communication and troubleshooting. The Policy Development Support team has not received any negative feedback about the portal or its management of the Public Comment process.

As of 2018, the Public Comment team members are a part of the Strategic Community Operations, Planning, and Engagement (SCOPE) Team, which resides within the Policy Development Support team. The Public Comment team facilitates the overall Public Comment process, develops annual Public Comment reports, and maintains guidelines for initiating a Public Comment proceeding. Any questions about the Public Comment process can be sent to public-comment@icann.org.

Improvements to Public Comment are planned as part of ICANN's Information Transparency Project (ITP), which launched in January 2018. In March 2019 at ICANN64, the ITP Team presented proposed wireframes for the new Public Comment web pages to frequent Public Comment users and invited them to share their experience. Working with the Communications and Engineering and Information Technology teams, the Policy Development Support team will inform the community about these planned improvements and seek input as appropriate.

5 Appendix A: Background and Overview

The first edition of this report (May 2013) was produced to analyze the effects of changes to ICANN Public Comment proceedings recommended by the first Accountability and Transparency Review Team (ATRT1 Phase). It was refreshed (January 2015) as a result of additional recommendations emanating from the second ATRT deliberations (ATRT2 Phase) as well as improvements identified by the Policy Development Support team from the original data analysis. The sections below represent a summary of each of these major phases as well as the principal outcomes or findings that resulted.

ATRT1 Phase (Q2/2012-Q4/2014)

As an outcome of the 2011 ATRT1 Recommendations, a series of Public Comment enhancements were designed and implemented to address: prioritization, stratification, comment/reply cycles, timelines, and upcoming topics. Following is a list of the four specific ATRT1 recommendations and the phased implementation that culminated on 1 January 2012:

- ⦿ Rec. #15: Incorporate prioritization and stratification based on community input and consultation with the ICANN org.
- ⦿ Rec. #16: Create distinct comment and reply cycles that allow community respondents to address and rebut arguments raised.
- ⦿ Rec. #17: Establish fixed duration timelines to provide adequate opportunity for considered and timely submissions and replies.
- ⦿ Rec. #21: Introduce forecasts of Upcoming Public Comment topics to facilitate community planning and participation.

The Policy Development Support team developed a program to implement the above recommendations in two phases as shown in the table below:

| Implementation Phases | Recs | Effective Date |
|---|-----------------|----------------|
| Phase I included icann.org website design improvements to streamline presentation and navigation; templates for consistency; and upcoming topics forecasting. | #21 | 1 Jul 2011 |
| Phase II included the introduction of Comment-Reply cycles, Stratification (i.e., categories), and minimum fixed duration timelines of 21 days each for initial comments and replies. | #15, #16, & #17 | 1 Jan 2012 |

Approximately one year after those enhancements were introduced, the Policy Development Support team performed an analysis to determine what could be learned based upon actual community usage and participation patterns. That report, entitled “Public Comment Data Analysis (Jan 2010-Dec 2012),” was published in May 2013 and is available at this link: <https://community.icann.org/x/CB5-Ag>.

Perhaps the most significant finding of the May 2013 report was that the ATRT1 recommendation to introduce a Reply Cycle protocol was not being utilized according to the published instructions. In fact, after cleaning up the raw data to remove submissions that did not meet the original criteria (73%), the average number of legitimate Replies to Public Comment proceedings between Mar 2012-Dec 2012 was less than 1.0; moreover, 70% of all proceedings received no qualified Replies and another 18% received one Reply.

ATRT2 Phase (Q1/2015-Q4/2015)

A decision was taken in May 2014, among other Public Comment enhancements discussed below, to suspend the Reply Cycle protocol. After working through website development revisions and implementation logistics, that change took effect for all proceedings opening on or after 26 January 2015.

In light of those developments as well as recommendations arising from ATRT2, the Policy Development Support team decided to update the Public Comment Data Analysis to incorporate proceedings from 2013 and two quarters of 2014 (18 months). That report, published in January 2015, represented a data refresh of all Closed Public Comment proceedings from January 2010 through June 2014 (4.5 years total) and is available at this link: <https://community.icann.org/x/xpAQAw>.

In the above-referenced report edition, there were 286 individual Public Comment proceedings analyzed and its conclusions corroborated those from the May 2013 report as quoted below from Section 4.0-Overall Conclusions:

“As initially reported in May 2013, the extended data set continues to show that the Reply Cycle is not being utilized as originally envisioned. After examining the submissions for each proceeding from January 2013–June 2014 and appending that data to what had been reported from March 2012–December 2012, over 77% of replies were determined to be original submissions after the deadline. That figure is up 4% compared to the May 2013 data analysis. The average number of adjusted Replies continued to hover at approximately 1.0 per proceeding and 80% of all proceedings during that period received 0 or 1 Replies after data cleanup⁶.

The ICANN org determined mid-way through 2014 that the Reply Cycle should be suspended. That decision is supported by this extended data analysis, which shows that the preponderance of Replies are simply late submissions forwarded after the original Comment Period closed.”

In addition to the suspension of Reply Cycles, other changes to the Public Comment process were implemented beginning with 2015 including:

| Enhancement Title | |
|-------------------|--|
| 1) | Suspend “Reply Cycles” |
| 2) | Introduce Minimum 40-Day Comment Period Default Target |
| 3) | Reinforce Clear Deadlines for Summary Reports |
| 4) | Implement Summary Report Community Inquiry Protocol |

| Process Improvement | |
|---------------------|--|
| 1) | Redirect All Public Comment Requests through the Policy Development Support team |
| 2) | Establish ICANN org Advisory Committee |

This report will not attempt to address the above improvements because a separate analysis, entitled “Special Report on ATRT2 Enhancements Effectiveness (15 Dec 2015),” was published to determine their overall effectiveness and is available at this link: <https://community.icann.org/x/aI9IAw>.

Post-ATRT (Q1/2016-Q4/2016)

⁶ The statistics in this paragraph all increased slightly once the data points were extended to include all of 2014.

Now that all of the changes introduced as a result of both ATRT1 and ATRT2 have been reported and analyzed, the Policy Development Support team has decided to continue Public Comment reporting on; however, it is no longer relevant to highlight and compare the various ATRT phases and, considering the significantly larger data pool available, the charts/graphs in the current report are summarized annually instead of quarterly.

With ATRT3 underway, the Public Comment team is ready to serve as a resource and will update this section accordingly when the specific review concludes.

6 Appendix B: Public Comment Proceedings Receiving Zero Submissions (2010-2018)

| Public Comment Proceeding Title | Close-Date | Submissions |
|---|------------|-------------|
| One & Two-Character .CAT Domains | 17-Jan-10 | 0 |
| RSSAC Review – Draft Working Group Report | 5-Jun-10 | 0 |
| GNSO Council Operations Work Team and Constituency and Stakeholder Group Operations Work Team Recommendations | 18-Jul-10 | 0 |
| Transparency and Accountability Wiki Project -- ICANN Board Resolutions - Draft - 2009 | 26-Jul-10 | 0 |
| Public Participation Committee Webinar Information | 3-Nov-10 | 0 |
| Proposed Changes to the ICANN Bylaws Article XI: Advisory Committees Relating to the Charter and Membership of the Security and Stability Advisory Committee (SSAC) | 2-Dec-10 | 0 |
| Proposed Bylaws Amendment to Create a Non-Voting Chair-Elect to the Nominating Committee | 10-Dec-10 | 0 |
| Interim Paper Inclusion of IDN ccTLDs in the ccNSO | 21-Jan-11 | 0 |
| Permanent Charter of GNSO's Commercial Stakeholder Group Completed – Public Comment Invited | 23-Jan-11 | 0 |
| Proposed ICANN Meeting Dates 2014 - 2016 | 8-Mar-11 | 0 |
| ccNSO DRD WG Final Report | 15-Mar-11 | 0 |
| Proposed Changes to Section 5.0 of the GNSO Council Operating Procedures | 26-Mar-11 | 0 |
| Proposed Revisions to Chapters 3 and 4 of the GNSO Council Operating Procedures Relating to Proxy Voting | 9-Aug-11 | 0 |
| IDN ccPDP WG 2 – Draft Final Report | 15-Dec-11 | 0 |
| Inter-Registrar Transfer Policy Part B – Recommendation #8 and #9 Part 2 – Staff Proposals | 31-Dec-11 | 0 |
| Global Policy Proposal Recovered IPv4 Address Space | 4-Apr-12 | 0 |
| WHOIS Technical Requirements Survey - Draft | 20-Jun-12 | 0 |
| ICANN's FY 13 Security, Stability and Resiliency Framework | 2-Jul-12 | 0 |
| Amendments to Article XI, Section 2.3 of the ICANN Bylaws - DNS Root Server System Advisory Committee (RSSAC) | 2-Feb-13 | 0 |
| Consultation on Internet Number Resources Performance Standards | 11-Dec-12 | 0 |
| Preliminary Issue Report on Uniformity of Reporting | 22-Mar-13 | 0 |
| Proposed Modification of GNSO PDP Manual to Address the Suspension of a PDP | 6-Apr-13 | 0 |
| Locking of a Domain Name Subject to UDRP Proceedings Policy Development Process (PDP) Recommendations for Board Consideration | 23-Aug-13 | 0 |

| Public Comment Proceeding Title | Close-Date | Submissions |
|--|------------|-------------|
| Consultation on gTLD Delegation and Redelegation User Instructions and Source of Policy and Procedures | 1-Oct-13 | 0 |
| Proposed Modifications to GNSO Operating Procedures to Address Resubmission of Motions and Working Group Self Assessment | 3-Mar-14 | 0 |
| ICANN Cross Community Working Group on Internet Governance's Submission to NETMundial | 29-Apr-14 | 0 |
| Registrars Stakeholder Group (RrSG) Charter Revisions (May 2014) | 20-Jun-14 | 0 |
| Study to Evaluate Solutions for the Submission and Display of Internationalized Contact Data | 3-Jul-14 | 0 |
| .NGO and .ONG Registry Services Evaluation Process Request - Introduction of Technical Bundling | 8-Jul-14 | 0 |
| Registry Services Technical Evaluation Panel (RSTEP) Report on Public Interest Registry's Request to Implement Technical Bundling in .NGO and .ONG | 5-Aug-14 | 0 |
| Proposed Changes to GNSO Operating Procedures | 8-Oct-14 | 0 |
| .NGO/.ONG Registry Agreement Amendment - Mandatory Technical Bundling of Second-Level Domains | 26-Nov-14 | 0 |
| Proposal for Georgian Script Root Zone Label Generation Rules (LGR) | 28-Oct-16 | 0 |

Total = 33; sort order is chronological