



EN

AL-ALAC-ST-0320-01-00-EN  
ORIGINAL: English  
DATE: 18 March 2020  
STATUS: Pending Ratification

**AT-LARGE ADVISORY COMMITTEE**  
ALAC Feedback to PIR Public Comment Proceeding

The Public Interest Registry (PIR) held a Public Comment proceeding on the issue of the ISOC/PIR. Below are (8) responses submitted on behalf the ALAC to the PIR Public Comment:

**PIR Question 1 (Q1):** In response to concerns expressed by some .ORG registrants and community members, Ethos has voluntarily proposed to add an amendment to PIRs ORG Registry Agreement with ICANN, in the form of a (PIC) Public Interest Commitment following the closing of the proposed sale of PIR. Do you think that such a contractual amendment enforceable by ICANN and third parties is the appropriate mechanism to address stakeholder concerns? If yes, why - If no, why not?

**ALAC Answer 1 (A1):** *PICs are the best mechanism with which to enshrine the essential characteristics of a .ORG registry. That said, there are significant issues with PIC enforcement that need to be addressed, by the ICANN community, for PICs to be considered a trustworthy assurance.*

**Q2:** The PIC includes a provision related to maintaining the affordability of .ORG domain names. Do you think a 10 annual price cap will ensure predictability? If yes, why - If no, why not?

**A2:** *From the standpoint of an "individual end user," this would add a lot of predictability. For a larger non-profit, it begins to present a bit of quandary. The YMCA has registered over 2,400 .ORG domain names. Rotary has registered over 2,900 .ORG domain names. Perhaps if the registrant is a 501c(3) or similar, you might offer to lock in the price for 10 years without a prepayment.*

**Q3:** The PIC includes a provision to create a .ORG Stewardship Council. The majority of TLDs do not have formal mechanisms or processes for registrants and stakeholders to provide input to registries about the policies of a TLD, such as the .ORG antiabuse policy. Do you think .ORG needs such a mechanism? If yes, why - If no, why not? If yes, does a stewardship council meet that need - why or why not?

**A3:** *.ORG definitely needs some kind of accountability mechanism, given the nature of its registrants to date. More than any other gTLD, .ORG has managed to maintain the public trust and the ALAC are concerned about new policies or marketing strategies that might undermine that trust. The stewardship council is a good start but its mandate should be wider than just free speech and privacy, its members should not all be chosen by the board and the board should not have an easy way to contract the responsibilities of the council. Really, a few board seats reserved for 501c(3) organizations, chosen by the community, would be more powerful.*

**Q4:** The PIC includes a provision to create a Community Enablement Fund to support activities that benefit .ORG registrants. Do you support the creation of such a fund? If yes, why - If no, why not? The .ORG Stewardship Council will provide recommendations and advice on how to allocate the fund. Do you support this role for the Council? If yes, why - If no, why not?

**A4:** *Ordinarily this would fall into the "why not?" category but there are a couple of important uses for this fund. One would be to finance PICDRPs by non-profits or their representatives. Such an enforcement mechanism is only useful if it can be afforded by affected parties. The other use might be research into areas such as predictive analytics around DNS Abuse.*

**Q5:** The PIC includes a provision that will require PIR to publish an annual compliance report with the PIC commitments and the ways in which PIR pursued activities that benefit .ORG registrants? Do you think annual reports are useful tools for assessing compliance? If yes, why - If no, why not? Do you think annual reports help with transparency? If yes, why - If no, why not?

**A5:** *The ALAC believe that such a provision would be helpful. This annual report should be subject to a 3rd party standard such as B Impact Assessment or ISO 26000.*

**Q6:** In addition to the PIC, Ethos has publicly posted the charter of the .ORG Stewardship Council. Do you support the charter as currently drafted? If yes, why - If no, why not? If no, what changes would you want to see in the charter?

**A6:** *Again, ideally the selection of members for the council should, at least to some degree, be in the hands of the community rather than the board. Reserving certain seats to be selected by NPOC and perhaps the ALAC (to represent the individual registrants) would help a great deal. Also, the charter seems to suggest that the board, with a simple vote, could completely change the responsibilities of this council. If these provisions are meant to survive future transactions, the friction for changing the mandate and powers of the Stewardship Council should be increased.*

**Q7:** It has been proposed that PIR be part of a Public Benefit LLC framework which would allow the board to consider social, economic and environmental considerations without violating its fiduciary duty to act. Do you support PIR reorganizing within a Public Benefit LLC framework as opposed to a for-profit entity? If yes, why - If no, why not?

**A7:** *While, the actual public benefit of organizing as a Public Benefit, LLC is questioned by some it would, at least, represent another set of eyes on the activities of the registry.*

**Q8:** Do you have any additional input or feedback on either the PIC or the .ORG Stewardship Council? If so, please provide it below.

**A8:** *The announced PICs are definitely a step in the right direction but the limited mandate of and loopholes in the Stewardship Council charter suggest some revision. Our objective is to enshrine PIR's best practices in its contract with ICANN such that they survive any further transitions of ownership. The ALAC thanks PIR for the chance to comment on this transaction and are available for further discussion.*

**Disclaimer:** PIR is collecting information via this webform to conduct a transparent engagement comment process. PIR will publish a report of all input received associating the poster's name and/or organization with their feedback, but will not publicize email addresses. PIR will only use the information submitted for this public engagement process.

**Response:** *I consent to my name and organization (if applicable) to be published with my comments. Submitted by Jonathan Zuck, ALAC Vice Chair on behalf of ICANN At-Large Advisory Committee (ALAC).*