Title:	Report of Public Comment Focus Group Feedback
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Prepared By:	Ken Bour, Consultant to ICANN Policy Department

Comment Period:	
Open Date:	20 July 2011
Close Date:	19 August 2011
Time (UTC):	2100

Important Information Links
View Wiki Forum Comments

Staff Contact:	Filiz Yilmaz	**Email:**	filiz.yilmaz@icann.org

Section I: General Overview and Next Steps

On 30 June 2011, Filiz Yilmaz, Sr. Director-Participation & Engagement, sent an e-mail request to community leaders seeking volunteers to participate in a Focus Group that would provide input on two specific Public Comment implementation proposals related to ATRT Recommendations 15, 16, and 17. The letter served as a brief introduction to the overall purpose, scope, and expectations of the effort (excerpts below). Supplemental materials were provided to the Focus Group via a dedicated (and restricted) space in ICANN's Community Wiki.

Purpose: To help ICANN Staff assess the usability and viability of certain implementation constructs related to the Public Comment process as recommended by the ATRT.

Team Members: We would prefer to keep the Focus Group relatively small and are therefore requesting one representative from of each ICANN SO, AC or SG. *[Note: five community volunteers participated – see Section II below].*

Methodology: Due to the challenges in scheduling telephone calls/meetings and considering the nature of the topics/questions, our plan is that the group will interact and collaborate via a dedicated space within ICANN's Confluence Wiki environment. *[Note: no separate meetings were planned, scheduled, or held].*

Duration: The feedback period will last one month from 20 July through 19 August at which point the dedicated Wiki space will be closed. *[Note: the Wiki was closed on 19 August as planned].*

Content: ICANN Staff will outline two current proposals to the Focus Group and collect initial feedback (via the Wiki). The two specific topics that the Focus Group's will be asked to provide feedback are:

Topic 1: Stratification/Prioritization of Public Comments

Topic 2: Comment/Reply Structure for Public Comments

Scope: The Focus Group will be asked specific questions concerning the topics listed above and feedback/responses will be collected via the Wiki. The ATRT Recommendations have been reviewed by the ICANN Community and approved by the ICANN Board; therefore, the Focus Group will not be asked to validate the ATRT Recommendations themselves.

Outcomes: The Wiki collaboration and discussion threads will be used by Staff to inform its planning concerning the implementation topics listed above. Elements of the feedback may be incorporated into a

formal Public Comment solicitation that will deal with these same topics at the end of August 2011.

The topics, questions, and summary of the Focus Group feedback are presented in Section III below.

Next Steps: A Public Comment Announcement is scheduled to be released effective on or about 31 August 2011 incorporating this report as well as Staff proposed implementation plans for additional community input.

Section II: Contributors

The Focus Group consisted of five (5) community volunteers each of whom posted contributions to the Forum. The contributors and the organizations they represented are listed below with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Focus Group Participant	Initials
At-Large (LACRALO)	Dev Anand Teelucksingh	DAT
Registries Stakeholder Group	Don Blumenthal	DB
Registrars Stakeholder Group	Frederic Guillemaut	FG
Commercial Stakeholders Group	Jonathan Zuck	JZ
ccNSO	Sokol Haxhiu	SH

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

This section will summarize the Focus Group's feedback organized by the two topics outlined in Section I above.

Topic 1: Stratification & Prioritization

Key Questions: Stratification

We asked the Focus Group members if a category scheme, such as the one proposed by Staff (below), would help them determine whether to participate in a Public Comment solicitation and, if not, what other recommendations would assist in making that assessment quickly?

Staff proposed the following list which was presented to the Focus Group for consideration:

Category	Description
Policy Development	…for all policy activities in the pre-implementation phases (including

	Issue Reports) as well as formal Policy Development Processes.
Policy Implementation	...for all policy activities in the post-development or implementation phase.
Security/Stability/Resiliency	...operational, administrative, and registration matters relating to the security and integrity of the Internet's naming and address allocation systems.
ICANN Bylaws Amendment	…used only when the Board is considering an amendment; prospective requests or petitions to change Bylaws provisions prior to Board action should be initially coded to another category.
Structural Design/Improvement	…would include SO/AC Reviews; GNSO Improvements; global outreach; public participation.
Operations/Finance	…includes tactical and strategic planning; budgeting; ICANN meeting proposals; travel support.
Accountability/Transparency	…includes Affirmation of Commitments.
Contracted Party Agreements	…primarily intended for Registry & Registrar contracts.
IANA/DNSSEC Operations	...for all IANA service and process introductions, or changes, including performance reporting.

Summary:

The Focus Group generally agreed that some form of categorizing Public Comment topics would be helpful to prospective contributors although they did not think that the Staff proposed list was of particular value. As JZ put it, "I think we're agreeing the current categories don't cut it because they are a little too process oriented and not interest area focused." JZ added, "I would like to suggest that a more vertical set of categories would be far more useful. … If I'm the IPC, I'm interested in IPR issues whether they are part of the policy development or policy implementation process. I think very few people or organizations have an affinity for the phase in which an issue finds itself or the organizational bucket under which it is being addressed inside ICANN."

A comprehensive list of community interests did not fully evolve during the group's engagement; however, the following categories were advanced by various participants as suggestive of the approach that should be taken:

- Intellectual Property
- Transparency & Accountability (*)
- ccTLD
- DNS Security and Stability (*)
- Privacy
- Organizational Review & Improvements
- Community Participation

(*) Included in the Staff proposed list

The Focus Group also agreed that it was not practicable to strive for mutually exclusive categories because there is too much overlap when community interests and subject areas are taken into consideration. FG stated

it this way, "The problem is that many topics are crossing lines. For example, Policy Development would probably be linked sooner or later to Contracted Party Agreements." DB added, "I agree that periodic crossover is inevitable no matter how granular the categories are." Group members generally agreed that the most useful approach to categorizing Public Comment topics would be to have the capability to assign multiple categories or tags.

In terms of other possible constructs, the Focus Group discussed the possibility of adding another field that might identify the audience(s) for a particular topic in addition to the category. There were differing views as to the merits, but DG's observation was the final comment on this idea, "I'm not sure that labeling an item as being of interest to any particular constituency(ies) would be useful. ICANN staff can't be aware of all issues that a group might be interested in discussing."

As the stratification discussion continued, JZ advanced this idea, "Is the purpose to broaden the population of people who comment or simply to ease the process of commenting among those who currently comment. If the former, and perhaps even the latter, it might make sense to implement a notification system like the one the European Commission uses for registered organizations. As part of the registration, I specify areas of interest and I am notified when there are upcoming consultations in the categories to which I 'subscribed.' I would recommend a notification both when a comment period opened and perhaps a week before it closed." FG concurred, "Yes, the idea of being notified by email when a subject of interest opens is good: many people from ICANN community have other real jobs and do not have the possibility to actively screen every morning the ICANN website to check what is on the menu."

Key Questions: Prioritization

We asked the Focus Group if having some form of prioritization (e.g., High/Medium/Low) indicating relative importance or urgency would assist in making a decision to participate in a Public Comment solicitation and, if it would be helpful, what method or scheme would the group recommend and how should prioritizations be established?

The concept of a simple prioritization field, such as proposed above, was generally thought to be impractical. DB summed it up succinctly, "No. That kind of ranking is too subjective. Priorities should be up to potential responders and their determination of interests and resources."

Although the current (as of 30 June 2011) Public Comment Box now includes fields for Purpose, Current Status, and Next Steps, JZ still believes that some form of additional help would be beneficial, "Part of the challenge, however, is reducing the number of descriptions that people need to read and that requires some sort of filtering and/or sorting which is where the notion of 'priority' really comes into play." JZ continued, "…finding [an]other 'objective' variable on which the list can be sorted for filtered will help limit how much reading folks need to do." Continuing on this theme, JZ offered, "I wonder if it would be possible to come up with a field such as 'phase' which could be used by some as a kind of proxy for priority. Knowing whether a particular comment period is coming at the beginning or near the end of the policy development or implementation process might be an incentive for different constituencies to participate." SH also supported this concept, "I like the idea of having a field phase." Adding a possible implementation scenario, JZ continued, "If you WERE able to maintain a kind of GANTT chart of the various policy development processes that are in place (you're already doing a lot of the underlying work for the data) and could reflect which public comment requests were 'critical path' for a larger process (as opposed to something smaller happening in parallel) that could be a powerful tool. I'm sure everyone (well not everyone!) would be interested in being able to check in on the GANTT chart as well to have an idea where things stand, what's outstanding, what's behind, how that's

affecting the schedule."

This GANTT chart idea gained support among Focus Group members. FG commented, "A diagram is the only solution to allow objective prioritization according to me. That way, you allow the public to know which topics have to be handled in priorities." DB agreed that, "…charting progress could be a major undertaking. It would be useful for informing the public, as opposed to identifying comment requests, if were feasible."

One additional idea was surfaced by FG, "…having a calendar or a project calendar indicating which public comment is on and which one has to be finished to start a new project, would be useful. Just like a project management calendar." This particular concept was not fleshed out by the FG.

Topic 2: Comment/Reply Cycles

Key Questions: Configuration

We asked the Focus Group how a Public Comment forum should be structured, e.g., (a) static (a comment period followed by a separate reply period) vs. dynamic (permitting multi-threaded discussions); (b) should a reply cycle occur if no comments are received in the first period, and (c) are the Staff proposed periods of 30 days for initial comments and 15 days for replies reasonable or should they be altered?

Summary:

Opinions about configuring a static vs. dynamic forum were mixed. Three Focus Group members (FG, SH, and JZ) preferred a static structure although the only rationale provided was a concern by FG that a dynamic forum might introduce "useless/anonymous debates on some 'hot topics.'" DB offered that, "In a simple world, I like the idea of a reply period with dynamic give and take, although given typical last minute filings, I'm not sure that static vs. dynamic will make much difference." DB also noted that, "As a caveat, any response system should be moderated, which obviously raises political issues. However, I'm concerned that 1) responses to others too often lead to attacks rather than substantive contributions…"

With respect to question (b) above, the group generally agreed that, if there are no comments in the initial period, there should not be a reply cycle. DB explained, "I would not have a reply period if no comments were submitted." DB added, "…commenters might use the extended reply period to post initial submissions. … An automatic additional 15 days is an invitation to wait until the last minute and file 'late' if no other submissions have been received." DB proposed, "The obvious way around [that] is to have a set 45 day period for posts and give-and-take." SH suggested an exception, "In case there are no comments provided during the initial 30-day period, I would propose for extending the deadline with 7 more days and reducing the reply cycle to 7 days. In total, still there are going to be 45 days for comments and replies. Extending the deadline for comments simply means that you provide all necessary time for making sure that any comments is sent and taken into consideration."

Concerning the length of comment and reply cycles, the 30/15 model was generally supported (noting the caveat above by SG); however, DB added, "Appropriate comment periods could vary with complexity of issues but a predictable standard is best for the comment process. 30 days is reasonable."

Key Questions: Edit and Delete Options

We asked the Focus group if ICANN should: (a) provide users the ability to edit and/or delete their own

comments (and replies) during the open period; or (b) be configured such that once any comment or reply is submitted, it becomes permanent and cannot be edited or removed -- even by the original poster?

Summary:

This question largely pertains to an implementation of threaded discussions and the concern that, if previous posts are edited or deleted, the integrity of the interleaved comments/replies could become indecipherable – not only for contributors, but for Staff as well in terms of any final summary report.

The general consensus of the group can be summed up by SH's comment, "I am of opinion that once comments are written they cannot be changed. I agree that if the comment is changed that it might mess up the entire logic of discussion and reference. The user has always the option of writing another comment in corrected form."

Key Questions: Forum Registration

We asked the Focus Group if it would favor: (a) a requirement that all posters be pre-registered (i.e., issued Username/Password) in order to have posting privileges to the Forum; or (b) providing open posting permissions such that an anonymous user can add comments/replies to the Forum?

Summary:

The Focus Group was unanimous that pre-registration should be mandatory with a caveat. DB concurred that "Anonymous posts raises accountability issues and increases the possibility of flame wars." FG concurred, "… when taking part to a conversation, it is polite to introduce yourself … However, I do not think there should be a strict verification on the identity of the person." DB added, "I would favor the ability to have pseudonyms so long as the pseudonym is part of the registration. The possibility that a pseudonymous post could be traced by staff would be a deterrent to attacks or spurious posts…"

Key Questions: Security

We asked the Focus Group what other provisions, if any, should be implemented to safeguard the integrity of a Comment/Reply capability?

Summary:

FG offered another consideration, "One thing that bothered me during public comments on .xxx was the fact that a mail template was used to mass-comment, saying the same thing again and again. Freedom of speech is fine, and vital. But abuse of the freedom of speech is also annoying. So limiting this kind of online demonstration would be a good idea." DB moderated FG's point, "I agree fully about annoyance. However, let me suggest something from prior experience. I worked in the US Congress in the days when mass stock postcards were used instead of email. Using that kind of tactic instead of having commenters submit their own words, no matter how sophisticated or basic, was one indicator that the Congressman used on whether the position espoused had merit and … broad support. ... I don't know if it would be appropriate for ICANN staff to take that attitude but figure that it's worth mentioning. One way to accept the mass emails but avoid clutter would be to post a single copy with names of those submitting it. I'm tossing that out only as a possibility I realize the logistical headache that it could be for staff."

Section IV: Analysis of Comments

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.

Note: An analysis of the Public Comment Focus Group will be incorporated into a Public Comment solicitation scheduled to be published on 31 August 2011.