

CCOICI Meeting

10 May 2023



Agenda

1. Welcome
 2. SOI Task Force Recommendations Report
(see <https://mm.icann.org/pipermail/gnso-ccoici/2023-April/000317.html>)
GNSO Framework for Continues Improvement: “Where full consensus is not achieved, the report/recommendations to the GNSO Committee and/or GNSO Council should clearly outline the efforts that were undertaken to try and achieve full consensus and the reasons for why this was not achieved”. The TF achieved full consensus on all but one essential element, namely whether there should be an exemption from disclosing who someone is representing in the case of professional ethical obligations that would prevent such disclosure.
 - a. Taking a step back:
 1. What are the current exemption requirements?
 2. What did the SOI TF originally propose?
 3. What changed?
 4. What other safeguards are currently in place?
 - b. What are we trying to solve for?
 - c. What other approaches / information can the CCOICI consider to identify a path forward?
 - d. Confirm next steps
 3. WS2 HR Impact – any input from CCOICI on templates circulated before these are shared with Council? See <https://mm.icann.org/pipermail/gnso-ccoici/2023-April/000316.html>
 4. Confirm next meeting – Thursday 25 May at 12:00 UTC
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SOI Task Force Recommendations Report

Agenda Item #2

SOI Background

- ⦿ GNSO Statement of Interest was developed as part of the 2004 GNSO Review to allow for the interests of participants to be declared publicly.
- ⦿ Task Force concluded that this original objective still remains valid, but outlined a number of issues that need addressing:
 - Information provided is typically not sufficient to be able to assess interests and/or objectives of a participant;
 - Reality of community members participating in multiple ICANN fora and groups - more details should be provided on their role in these different groups (for example, member, voting member, observer);
 - Lack of updates to reflect specific interest in a particular effort (SOI is considered a general introduction to a community member's role & interests);
 - SOI does not reflect if/how a potential outcome may affect a member and/or their employer / client;
 - No requirement for consultants or lawyers to disclose their clients (or at a minimum provide a general description of clients and their interests)

Taking a step back - SOI Exemption

Task Force reached full consensus on all recommendations BUT the exemption language.

Current SOI asks the following question:

10) Do you believe you are participating in the GNSO policy process as a representative of any individual or entity, whether paid or unpaid?	
If the answer is "Yes," please provide the name of the represented individual or entity. <u>(If professional ethical obligations prevent you from disclosing this information, please enter "Private"):</u>	

(Emphasis added)

SOI Exemption (Initial Report)

- a. Are you participating in the GNSO policy process as a representative of any individual or entity, whether paid or unpaid? If the answer is “Yes,” please provide the name of the represented individual or entity. **(If professional ethical obligations prevent you from disclosing this information, please provide details on which ethical obligations prevent you from disclosing and provide a high level description of the entity that you are representing without disclosing its name, for example “I represent a Registry client” or “I am representing a non-GNSO related entity”):**

(Emphasis added)

Following public comment

a. Are you participating in the GNSO policy process as a representative of any individual or entity, whether paid or unpaid? The term “representative” in this context means that you are acting on behalf of a third party, whether it is a legal or a natural person (the ‘Represented Party’) by whom you have been appointed, specifically for this activity or to a role that encompasses this activity, to represent and/or advocate for the Represented Party’s interests, views and positions.

If the answer is “Yes,” please provide the name of the represented individual or entity. (If professional ethical obligations prevent you from disclosing this information, you must provide details on which ethical obligations prevent you from disclosing and must provide a high level description of the entity that you are representing without disclosing its name as well as declare whether, to the best of your knowledge, that entity is actively participating or being represented in other GNSO SG/Cs/SO/Acs,, for example “I represent a Registry client who is also actively participating in the RySG”, “I am representing a governmental entity, who is also actively participating in the GAC” or “I represent a large brand holder in the entertainment sector who, to the best of my knowledge, is not actively participating or being represented in other ICANN groups”).

- Yes: [provide name of represented individual or entity]
- The following professional ethical obligations prevent me from disclosing this information: [specific details required to be provided if this box is ticked]
 - [Required response if previous box is ticked]: Please provide a high-level description of the entity that you are representing as well as declare, to the best of your knowledge, whether that entity is actively participating or being represented in other GNSO SG/Cs/SO/Acs:²

Existing Safeguards

- ⦿ Council can impose additional participant requirements as part of a charter, including statement of participation
- ⦿ From the GNSO WG Guidelines: “The Chair, in cooperation with the Secretariat and ICANN Staff, is continually expected to assess whether the WG has sufficiently broad representation, and if not, which groups should be approached to encourage participation. Similarly, if the Chair is of the opinion that there is over-representation to the point of capture, he/she should inform the Chartering Organization”.
- ⦿ Representational model
- ⦿ From the GNSO Operating Procedures: “Concerns raised by ICANN Staff or a member of the ICANN community about the accuracy of a Relevant Party’s Statement of Interest, including whether an interest that may affect the Relevant Party’s judgment with respect to a pending matter has been disclosed, shall be brought to the attention of the applicable Chair and handled pursuant to Paragraph 5.4.3.”

What are we trying to solve for?

For illustrative purposes:

PDP WG	Total # of members	Exemption invoked
SubPro PDP	192	2 (4 maybes)
RPM PDP	159	2 (3 maybes)