

Accountability at ICANN

Paul Rosenzweig

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- Problem Statement
 - ICANN is a monopoly with control over a scarce/critical resource
 - Greatest risk is exercise of monopoly power to
 - Secure excess profit/surplus
 - Impose substantive policy agenda
- Four necessary interrelated accountability requirements
 - Control over budget process
 - Limitation on fees
 - Cap on surplus
 - Community based control
 - Review Board decisions
 - Compel Board/ICANN action
 - Exercise broad policy control/direction
 - Independent arbitral/judicial review
 - Binding dispute resolution
 - Board v. Community
 - ICANN v. customers
 - Can be external or internal
 - Will be sovereign-based to some extent, but can also be international
 - Redress should be for both procedural and substantive errors
 - Note: April 2013 Board redress revisions move in wrong direction
 - Limitation on subject matter of ICANN activity
 - May require Bylaw/Article of Incorporation amendment
 - Avoid mission creep