
DAVID OLIVE:

Greetings, everyone. Let's begin. First, I'd like to wish everyone a happy new year. This is David Olive, Vice President of Policy Development Support at ICANN. I'm glad that you could take some time to join our briefing. We appreciate it.

The purpose of today's call is to familiarize you with changes that are going into effect later this month regarding ICANN's public comment processes. I expect we'll take about 20 minutes to review the changes, then open it up for questions. We should be out of here well before the end of the hour, but we want to have time for the necessary questions that may be raised and to address [other] issues as well.

I'll be giving a brief introduction, and then I'll turn things over to Rob Hoggarth, Senior Director in the policy department, to offer you the details of the changes and how they may impact your future efforts to seek community input on the work of ICANN. During the briefing, please put questions directly in the chat box, and we'll address them in order as well.

Turning to the first slide, I'll note that these are not the first changes that have been made to ICANN's public comments, and they won't be the last. This slide gives you some perspective and context in which these changes fit into the recent evolution of public comment processes at ICANN.

In recent years, public comment changes have been driven by a group of community advisors serving on the Accountability and Transparency Review Team, ATRT. The first ATRT team, back in 2012, made a number

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of recommendations adopted by the Board and then implemented by staff.

The second review team assessed the success of those initial changes and made further recommendations. Those efforts were finalized by the Board last year and represent the catalyst for the changes we are about to describe to you today. It is important to note that, due to the ATRT 2 recommendations, we hope over the next year or so to look at further improvements on how we solicit, collect, assess, and address community inputs on our work at ICANN.

Community input can be more than just official written comments during a public notice period, and that's something we have to explore more closely as ICANN's work continues to grow and as technology improves for collecting and reaching out to our various communities.

Now I will turn the floor over to Rob Hoggarth, who will give us some specific changes that we are officially implementing on 26th of January in this latest step of ICANN public comment evolution. Rob, the floor is yours. Thank you, everyone, for joining.

ROB HOGGARTH:

Thank you very much, David. Can you hear me okay?

DAVID OLIVE:

Yes, indeed.

ROB HOGGARTH:

Great, thank you. Greetings to everyone from the Washington, D.C., office of ICANN. This is one of two webinars that we're doing, so we expect, and I see in the chat room, that most of our participants are either from the U.S. here or in Europe, so thanks very much for joining us.

As David noted, what I'm going to do is go through for you all the four major changes that were enhancements or improvements, if you will, that we're implementing this month. Those are on the slide that is before you right now.

I'll also spend a couple of minutes talking to you about some of the process changes that go along with these that we hope will make your jobs a little bit easier and help us all coordinate our work a little bit better.

Just looking at this slide, you see four major changes. They are, one, to suspend the reply cycle; two, to establish a minimum or default 40-day comment period; three, to chat with you about the timeliness of staff summary reports; and fourth, to talk to you about a new protocol that's been developed to allow the community the opportunity to comment or submit inquiries on the staff summary reports themselves.

I'll just spend a couple of minutes on each one of these. They're pretty straightforward. As David indicated, if you have any questions, please put them into the chat. We will have a Q&A session at the end of this. If any of you think it's necessary, we'll be happy to either answer a specific question or talk to you a little bit more about philosophy or some of your ideas about where we may go with this stuff.

Let's first talk about suspending the reply cycles. I'll give you a little bit of background why we're at that point. As David noted, there was initially an ATRT 1, the first recommendations group, or the first team effort by the community to recommend changes. One of the goals that they had was to create more of a dialogue when it came to comments about ICANN's work, whether that be the operations of the staff or working groups or other proceedings we might create.

They thought the best way to achieve that was to establish a reply cycle to formalize the opportunity for commenters to react, get into more of a dialogue within each forum to talk about what people had commented on. What we've done, at least twice now, through the implementation of this reply phase, was essentially look at the metrics.

What we determined was that in the implementation and the execution of this, when we looked at any replies that were actually filed, fully 75% of them weren't even replies at all. They were just people taking advantage of the fact that there was an extra 21-day period to submit their comments. And so when we looked at – literally, we did – looked at every reply comment that was filed, fully three-quarters of them weren't replies at all.

Once we cleaned up that number and identified what were really, legitimately replies, we determined that two-thirds of the proceedings that we did over the past two years, similarly, had no replies. If you did average out over the course of all the public comment periods, we ended up with a grand total of one reply in every comment forum.

The decision that some members of the ATRT 2 reached – this didn't end up being one of their recommendations but they asked staff to look at this much more closely – was to consider suspending the reply comment period, and that's the approach we've taken. We're eliminating it for a short period of time.

What we're going to do is look at things every six months going forward to see if the changes are working, if in fact we're actually getting more comments within the time period that we're setting out for time periods, and we'll generally take the temperature of the community to see how many people are troubled by this concept, how many people feel they're being disadvantaged by the change.

I'll share with you that, you may remember, David produced a blog post back before the London ICANN meeting announcing that this would be one of the potential changes that we would make. While we got a couple of bits of feedback from the community that they were troubled by it, after further discussions, a lot of people sort of dropped their objections. Some of the folks who had originally objected before the London meeting have now, in comments to David, to Carlos, to me and others, have said, "Hey, we'll give it a shot. We'll see how that works."

One of the reasons why folks, I think, have been quite willing to give up on the reply cycle, at least for a period of the next six months or so, is the second major change. That is what they have consistently said to us over time is that we need more time as the community to file comments, to submit them. As I noted in the research that we did on the reply comments, where 75% of them were actually comments,

that's really been one of the sticking points in the concerns that members of the community have had.

I think it's fair to say, over the last three or four years, we have had a tightening in some respects of the comment time periods for members of the community. Part of that was driven by this comment/reply comment cycle concept, where it seemed that over time we were getting a shorter comment period in order to allow for reply comments.

The second change, basically creating a 40-day default minimum for comment periods, basically maintains the same general time period. If you added the prior 21 comment days plus 21 reply days, you came out with 42. What we're going to experiment with is a standard – and I keep saying the term default; I'll explain that in a moment – default period of 40 days.

Now, going forward, when you go to the templates on the Wiki space to prepare your public comment period, the calculations are not going to be based on reply periods at all. They're now going to feature and emphasize this default of a minimum 40 days.

Now, it's important to note that this default is just that. It's a default. It's a recommendation. It's a new target minimum that we're trying to achieve, here. We recognize that for a number of public comments that come out over time, particularly things like the RSEP or other Board initiatives that have to be acted on relatively quickly, we need to have shorter comment periods.

The bylaws allow for an absolute minimum of 21 days for comments. We've got a system, and it's on the template, that basically says if you

need, as a manager of a public comment forum or of a particular issue, to have a public comment period shorter than 40 days, you simply just have to get the approval of probably your global leader and one other person. In most cases, that's probably likely to be you, David.

But the bottom line is so that there's no bottlenecks, but just so that we are demonstrating to the community this emphasis on giving them more opportunities. We want to have a little bit of a checkbox system there so that we're sure that senior leadership is aware that we're breaking the default rule when we need to. That should be relatively simple.

As we go forward with this, for some of you who have to actually take advantage of that, we'll reach out and get your feedback and get an assessment over the next six months as to whether that's working. But that's the general plan for this concept of more time and 40 days.

The next major area that the ATRT was really focused on was the staff summary reports. That's been a feature of the public comment system for as long as I've been at ICANN, which I hesitate to say is now seven years in only about two weeks from now. It literally has been the case throughout the existence of the program and the infrastructure.

The reason for it is that in some respects, or in some cases, we'll get a significant amount of comments, and it's important for people to be able to have a shorthand idea of what's going on in a comment period. Also, as many of you know, we've got Board or working group initiatives, and it's an important service for the people who are the decision-makers to have staff step in and be able to provide a summary

of what's going on, what the comments were, what some of the major issues that the commenters have commented on, to outline some of the various suggestions and things like that.

The summary report is a very important concept. With the initiation of the latest iteration of ICANN.org, we began to introduce this concept of graphics to sort of outline how we track not only the proceedings but being able to flag for people when the summary report was filed, an easy accessible link to the report as well.

And so we're putting in place a number of initiatives and aspects of the process to help you not only be reminded of the need to get in staff summary reports in a timely manner, but also to give the community some insight as to when they can expect to see a summary report.

We essentially need to establish some service level agreements, if you will, with the community, so that the folks relatively quickly get back information or feedback not only about the comfort that their comments have been read and received and are being considered, but also to learn a little bit perhaps about what others have submitted. And without the reply comment period, there's going to be more emphasis on that.

So what we've created, with the tremendous help of our colleagues on the IT development side, [Satya] and Laura in particular have been working with us to help develop some improved graphics [and the rest]. We've set out this new timeline that you'll be seeing on the public comments page for each proceeding that not only outlines the open and close date for the proceeding, which are informed by the template that

you all fill out when you're opening a proceeding, but also a very visible sort of link to and concept of following the staff report that talks about the comments that are filed in the proceeding.

You see on the slide that we've got up now, it's basically set up so that people see when a staff report is due, that they see when it's filed, and for our purposes, and for us as staff to be wary of, it will also show those rare instances when a report is overdue.

That will help us all, as staff, stick to our expectations that we're creating for the community, inspire us to give the attention that is necessary for these types of very public forums and opportunities for people to comment, and really push us through so that we're rigorously getting these things out in a consistent and timely manner.

So, that's the concept in terms of tracking. When I say tracking the summary report, what we'll be doing is continuing to work with you, as Carlos has with many of you over the course of the last eight months or so, to reach out to you once your forum closes, make sure that you're aware of the deadline and timeframe for getting the report done within a timely period.

What we hope this will do, as well, is minimize some of the community inquiries for folks who are saying, "Well, where is the report? What's going on? I haven't heard what's going on with this proceeding."

I mentioned a couple of times there in that little monologue, the concept of a timeframe or a deadline. We have created basically just following the informal guideline of an expectation that the manager of a

public forum will produce the staff summary report within two weeks of the close date of the proceeding.

The good news is, is when you're putting together your template for a public comment forum, that template includes the date calculations and the ability for you to sort of plan ahead. When you're going into the template, you should be very aware of what the date is that your forum is going to close, and be in a position to be ready to produce your report in a relatively timely manner.

For the most part, that won't present a problem. We've had a pretty good track record, for all of you who participate in the public comment arena, of getting those staff summary reports in in a timely manner. We don't anticipate that there should be any problems there.

But we are aware that circumstances can arise, unusual ones, whether those be personal illnesses or something like that, just a process situation where you've opened the forum and you found that you now have 500 comments that were submitted on the last day. So we also wanted to have a venting mechanism so that you could have more than two weeks to actually produce the summary report.

From the public comment staff perspective, we're more than happy to work with you if you anticipate that it's going to take longer than two weeks to get something done. This may occur when you're filling out the template, when you see that your forum is about to end on the 23rd of December, right before the ICANN holiday break. Or it may happen, as I noted just a bit earlier, as you're closing the forum.

We hope that you're paying attention to submissions throughout the course of the forum, but as you get to the end and 500 comments come in on the last day, we want to give you the flexibility to raise the flag and say, "Gee, it's going to take me three weeks, not two, to get something generated." Whatever it is, and we'll be working with Laura and [Satya] on this to make sure that this capability is in place.

We'll just go into the system and either change the algorithm or manually change the date so that it's very clear on the public comment forum page when that new deadline is going to be, so that the expectations of the community will be managed, you'll be comfortable that you've got a reasonable timeframe to get something done, and in that context, we hope everybody will be happy and satisfied.

I noticed folks may be beginning to type in and put questions in the chat, so please do that. Carlos, Ken, and I will keep an eye on those and we'll address them in order here in a couple of minutes.

The last major area that was very important to ATRT 2, with respect to staff summary reports – and this was a specific recommendation that they made – was that the Board approve a staff process for reviewing or addressing inquiries about staff summary reports.

It was an interesting recommendation, because in the seven years that I've been in ICANN, I think maybe once, perhaps twice, we've actually had somebody comment on a staff summary report and take issue with how the staff summarized things. Ken and I joked the other day, well, we didn't really have a formal process, so it was really only one complaint or two.

But the reality has been, as a staff, we have uniformly, I think, done a very good job in paying attention to what people are saying and doing a really good job of summarizing the comments, noting where there are objections to the direction of a particular proceeding, outline the various alternative points of view. So I think, overall, we do a very, very good job as a staff in producing these reports.

But what we've done, at the recommendation of the ATRT 2, is created a protocol, created a process, that if somebody does have a concern about a staff summary report, that there is that capability to raise the issue and get a resolution of it, get someone to pay attention to it, put it on the record that they have inquired or expressed concern about the contents of the staff summary report, and allow things to quickly be resolved.

Again, working with the development team and our web admin colleagues, we've developed a number of guidelines – a protocol, if you will – to give commenters an opportunity to challenge or inquire about a staff summary report.

The guidelines are fairly straightforward. After the staff summary report comes out, they've got 30 days to basically come forth, send an e-mail to the public comment staff, and say, "I have a problem with the staff summary report in this proceeding." We're then obliged, within a week – seven business days – to come back with a decision and rationale.

So, when you see that address, public-comment@icann.org, that's going to be the standard way of communicating with our team and the folks that are going to be helping to coordinate public comments going

forward. We will receive that. We will immediately reach out to you as the issues manager or substantive expert for a particular forum, and work with you to develop a quick response and a reasonable response to the comments that the community commenter has made.

All of the inquiries that anybody submits, and our resolutions, we're going to make sure are published in the public comment space on ICANN.org. Again, the concept here is transparency. In some cases, it could be a situation where this is something that's going to go before the Board, or be considered by one of the supporting organizations or advisory committees. So we want people to be aware, and for the person who submitted the inquiry to be aware that we're actually looking into it.

So they're in the capability now – again, thank you, Laura and [Satya], for this – where that will be flagged on the public comment forum page, and there will be links not only to the report, but to the inquiry, and subsequently, when we've resolved or addressed the concern, how we resolved that. If we've updated the staff report, we'll have the updated report there. And that way, everybody, decision-makers, writers, commenters, will have some insight and be able to see what's going on and be able to track it. That will be a part of the records.

I should note, at this point, when I say we're going to be looking at this in six-month increments, we're going to be paying very close attention to the metrics, here. We're going to continue to track how many public comment forums are issued. We're going to be paying close attention to how many comments are filed.

We have a box. We don't expect it will be checked, or filled. But if there are any inquiries, we'll be able to record that, how they're resolved, and everything else. We'll be tracking how many staff summary reports are done in two weeks, how many times we have to request or address requests for extensions, how many times we might miss those deadlines, all of that stuff we're going to try to produce in six-month increments.

Because as David noted in his introduction, this evolution will continue. We're not going to stop making changes. There will be future ATRTs that are going to look at this. ATRT 3 will see how we've implemented these recommendations. They may have future changes. We may observe, as staff, some interesting metrics, data, or statistics that merit us to adjust some of these processes and procedures. So we're going to be keeping close track of all of that.

That's the four major changes that we've been looking to implement, and that go into effect, as David mentioned, in a couple of weeks. As part of these overall changes, we are making some adjustments to the process for opening forums for interacting with you all and trying to help you be as efficient as you can in administering these new processes. We have four changes. We also have four process improvements. So it's some nice tracking, there.

First off, there is the concept of public comment team reviews of all solicitations and reports. One of the discussion items within the ATRT 2 was, "Wow, ICANN has a lot of different public comments. They're for different types of work and categories. We don't understand, sometimes, the difference, or how this is all working."

As we look, as a staff, farther down the road in this evolution, we want to be able to have a really good idea of what are the types of public comments that we're generating as staff, from a request standpoint from the community. We're very interested, as our staff continues to grow, as different departments get involved with public comments, that we have a consistency across the board so that we're all operating in a fairly consistent manner so that the community doesn't see different variations of public comments; or if they do see them, there's an understandable framework for them.

What we have done is collaborated with the web admin team to sort of take on the obligation of the check-in of the public comment template. Previously, up until now, you submitted things directly to web admin. The only difference that we're going to have now is you're going to submit it to public-comment@icann.org.

We'll do a quick once-over of it, make sure that all the boxes of the template are checked, take a gander at the various dates, raise any issues that we might see or suggestions that we have for you in terms of dates or times or how something is laid out. Then we'll pass it on directly to web admin.

We want this to be very quick. We don't want to become another bottleneck in any of these processes, so we're committed to get that stuff turned around very quickly. One thing that might work, for some of you who may be new to the public comment forum management, is when you begin to think that you're going to have a public comment forum and you're going to begin putting that together, reach out to public-comment@icann.org, and we're more than happy to collaborate

with you all on recommendations about how long the comment period should be, some concepts about timing, and things like that. So, please reach out to us in that perspective.

It's also important to have that because we've now created this process for the inquiries and the community is going to be using this e-mail address, as well. It was important for us to create this, and we hope you will find it to be a benefit and a collaboration mechanism more than anything else.

Clearly, moving to the second process improvement, here, because we are making these changes, we've had to make some adjustments to the templates. We've had to look at the staff guidelines, the SLAs from our perspective because you're going to be running things through us.

We have created revised, updated, new staff guidelines and templates. They are posted under the SOAC/E section of the community Wiki, and that will be the place now, in the future, where you and your colleagues will go to grab the form or the template, find any changes, check on best practices in terms of putting together these forms, and the rest.

It's important – and there's a reason why we had this particular change and put Community Wiki on here, and the reason for that is up until now, we've had all of the guidelines and the templates back on the staff Wiki.

As part of our goals of transparency and accountability, we're now putting that on the community Wiki so that it's not only a resource for all of you, but it's also a mechanism for members of the community to look at and familiarize them with the process, so they have a little bit of

insight of how the sausage is made behind the scenes within ICANN staff.

Our hope is that that may help them make some suggestions or offer some ideas. More brains may make a better product in the long term. And so making that transparent will help improve the process in the long term.

The third, I've already touched on a little bit. Again, kudos to the development team, Laura, [Satya], and their colleagues, for working to develop the new timeline graphics. We hope that you'll use those. Members of the community thought that it was very important to have those. I think, with some of the tweaks that we've done with colors and the timeframe for showing when things are due, when things open and close, that will just create a better experience for members of the community.

And then, fourth, and I know here it's coming soon, what we're hoping to do as Chris Gift moves forward with improvements to the master calendar on ICANN.org, we're going to create the capabilities for having public comment forum open dates, if we know them ahead of time, certainly closing dates, produced on the master calendar so that people can follow those proceedings, so that they have an idea of when a deadline may be coming up, through that master calendar function.

As many of you may have already noted, the new designed pages that came out when the new ICANN.org came out include the "Follow Me" button, so anybody, from a community perspective, can follow your

public forum. They can see when comments are submitted. They can get notices when you put them in, if you'd like to do that.

Again, taking [it] back to the theme of transparency, openness, accountability, we're trying to make sure that there are as many opportunities as possible for members of the community to understand this process and to participate in it.

That's the overview of the changes in the processes. I'll just make one other note, and thank you very much, Carlos and Ken, for – in the chats – answering some folks' questions and things like that. That's been very helpful. David mentioned the concept of this being an evolution, and in the first slide noted that there is more to come.

When I was last in Los Angeles before Christmas, I talked with a number of you who are actually on this call – and I hope that we'll be able to have broader dialogue with all the departments – that we're going to be looking for over the course of the next year, year and a half, is how do we handle overall community input and feedback at ICANN?

The public comments infrastructure, the tool that we use through these forums, is a very important one, but it's not the only way, as we all know, that community members provide input to ICANN. Now that we, as a team, are much more familiar and have more experience under our belts, here, having now worked with public comments and had that responsibility for the last nine or ten months, is we're looking at some broader concepts, here.

Are there ways to fine-tune public comments where we can categorize these proceedings much better? Can we make sure that, as a staff, we

have a single place, regardless of the category of community input that we're seeking, where members of the community have a one-stop shop where they know that there is a new e-mail address created for input, where they know there's a public comment forum, where they know that comment forum is a PDP or an RSEP or comments on the ICANN budget or the new five-year strategic plan.

We want to investigate those capabilities. We want to improve and streamline and expand, if you will, the opportunity not only for people to comment on what we're doing at ICANN, but to find inventive ways to record it, acknowledge it, respond to it.

If I can just add that little commercial of "Watch this space." Members of our team – the most public members of the team are me and Carlos and David, but others behind the scenes, like Ken Bour and other members of the policy team, will all be engaged in these conversations over the course of the next year or so.

We want to get all departments, all of you who are interested in those conversations, involved. So please watch this space, if you will, for future efforts to do that. I will be reaching out to department heads and others for volunteers, to help us brainstorm, to develop new approaches. I look forward to many of you, on this webinar and folks who participate on the next one, to help us to do that.

David, that's all I've got, so I don't know if – I'll look over at Carlos, who's next to me, whether we have any outstanding questions. Carlos, you're shaking your head no. So then the only other thing I'd like to do is give anyone an opportunity, if they're unmuted, to just ask a question

verbally, if you'd like. So I'll pause here for 10, 15 seconds. Please either raise your hand in the chat room or just feel free to blurt out that you'd like to be in the queue.

Thank you. I always like trying to push that silence to the uncomfortable length, just to make sure that someone has the chance to get off mute. David, that seems to be it. I'm delighted that we've been able to answer the questions that have come in already in the chat room. So I'll turn it back over to you, David, for perhaps some parting or final thoughts.

DAVID OLIVE:

Thanks very much, Rob. And thanks, everyone, for joining us today. We will be holding a second briefing next week for our colleagues, and adjust it for time for the other regions so that we can get them involved in this activity.

We're also planning to conduct a recorded and transcribed community briefing the week of the 19th of January to familiarize community members with these changes, though many of them have been following this through discussions with the SOAC and stakeholder leaders, various calls and briefings we've been giving them. This will give the wider community a chance to know more and to hear how we're addressing some of the concerns that they raised within ATRT 2 and elsewhere.

These slides will be available on the community Wiki for future references. And finally, the purpose, of course, of our public comment process is to provide a path for our communities to share their ideas,

have inputs into our processes, and to be aware of the views of others as we go through our consensus-based, bottom-up process.

Therefore, this is very important: while we do have timelines and deadlines and days for comments, the point of which is to encourage people to be active and to give us their views and to know that they are being heard and we are incorporating their views. Therefore, the extension of time is important for some groups and many groups, and the reports of the staff of how their comments were made are also an important part of our open and transparent system.

It reinforces our credibility with not only the community that we serve, but also the outside world, in how we make our decisions and how we formulate our approaches for the work of ICANN.

With that, I want to thank everyone for their time and attention. Have a great day, and if you want, we have people that you can consult in Rob and Carlos and myself going forward. We'll be there to assist you as you develop your public comment processes for the purposes of your communities or the issues that you're dealing with.

Thank you very much. I'd like to wish everyone a good evening, good afternoon, and good morning, wherever you may be. I am here in Istanbul where it is a bit of a snowy day. But I think you, and have a good weekend. Goodbye.

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