



# **PUBLIC COMMENTS DATA ANALYSIS REFRESH**

**Period: January 2010-June 2014**

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## 1) Background and Overview

As an outcome of the 2011 ATRT Recommendations dealing with Public Comments (hereafter “ATRT1”), a series of enhancements were designed and implemented to address: prioritization, stratification, comment/reply cycles, timelines, and upcoming topics. Appendix A contains a list of the ATRT1 recommendations and the phased implementation which culminated on 1 January 2012.

One year after those enhancements were introduced, Staff performed an analysis to determine what could be learned based upon actual community usage and participation patterns. That report was published in May 2013 and is available at this link: <https://community.icann.org/x/CB5-Ag>.

Perhaps the most significant finding of the May 2013 Public Comments Data Analysis report was that the ATRT1 recommendation to introduce a Reply Cycle protocol was not being utilized according to the published instructions. In fact, after cleaning up the raw data to remove submissions that did not meet the original criteria (70+%), the average number of legitimate Replies to Public Comments solicitations between Mar 2012-Dec 2012 was less than **1.0**; moreover, 70% of all solicitations received no qualified Replies and 18% received one Reply.

A decision was taken in May 2014, among other Public Comments enhancements (see Chapter 4, Section C), to suspend the Reply Cycle protocol. After working through website development revisions and implementation logistics, that change will take effect for all solicitations opening on or after 26 January 2015.

In light of these developments as well as the most recent ATRT2 recommendations, Staff decided to update the Public Comments Data Analysis to incorporate solicitations from 2013 and two quarters of 2014 (18 months). This report represents a data refresh of all Closed Public Comments solicitations from January 2010 through June 2014 (4.5 years total).

There were **286** individual Public Comments solicitations for which the following data was captured:

- Title
- Comment Open Date
- Comment Close Date (*Note: if the period was officially extended, the later Comment Close Date was captured*)
- Number of Comments<sup>1</sup>
- Translated (Yes or No) into languages other than English
- Staff Member Responsible

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<sup>1</sup> Although spam has not been a major problem within ICANN Public Comments, the analysis did make an effort to identify any obvious spurious entries and exclude them from the raw data counts.



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Beginning with 1 January 2012, the following additional data were captured:

- Reply Open Date
- Reply Close Date (*Note: if the period was officially extended, that later Reply Close Date was captured*)
- Number of Replies

The data collection process involved harvesting information from each of the Public Comments pages archived on ICANN.org and building an Excel workbook for subsequent analysis. Once the data was available in spreadsheet form, various statistical calculations and other summarizations were prepared along with graphs/charts that would serve to highlight trends and patterns. Chapters 2 and 3 of this report present various findings that may be useful as input to those who will continue working toward improving the Public Comments capability within ICANN. A final Section 4 summarizes findings that can be gleaned from the data analysis.



# PUBLIC COMMENTS DATA ANALYSIS REFRESH

Period: January 2010-June 2014

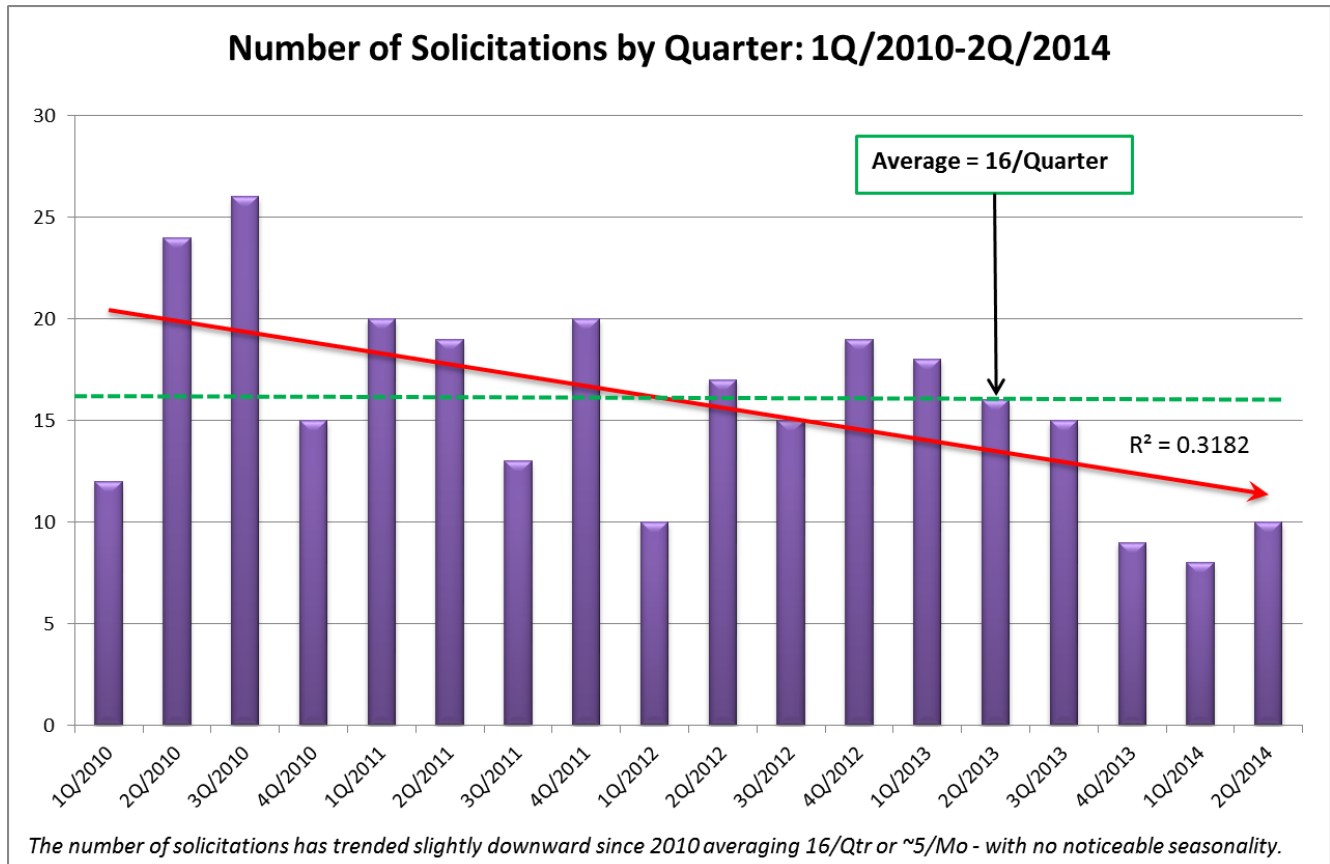
## 2) Findings Related to Public Comments Solicitations

There were **286** Public Comments solicitations (Jan 2010-Jun 2014) included as part of this data analysis. This Chapter summarizes those findings that relate to the solicitations themselves; whereas, Chapter 3 will focus on the comments and replies to particular topics.

### A. Solicitations Published

Chart 1 below shows the number of solicitations by quarter during the four and a half year horizon. A trend line was fit to the data depicting a slight downward trajectory in the average number of solicitations per quarter; however, the strength of the regression is not statistically significant. In other words, the number of topics that ICANN introduces to the community has been relatively stable over the study period and, barring any change in those dynamics, would be predicted to continue in the range of 15-18 per quarter (or 5-6 per month) on average. This result has not materially changed compared to the original report findings.

Chart 1.





# PUBLIC COMMENTS DATA ANALYSIS REFRESH

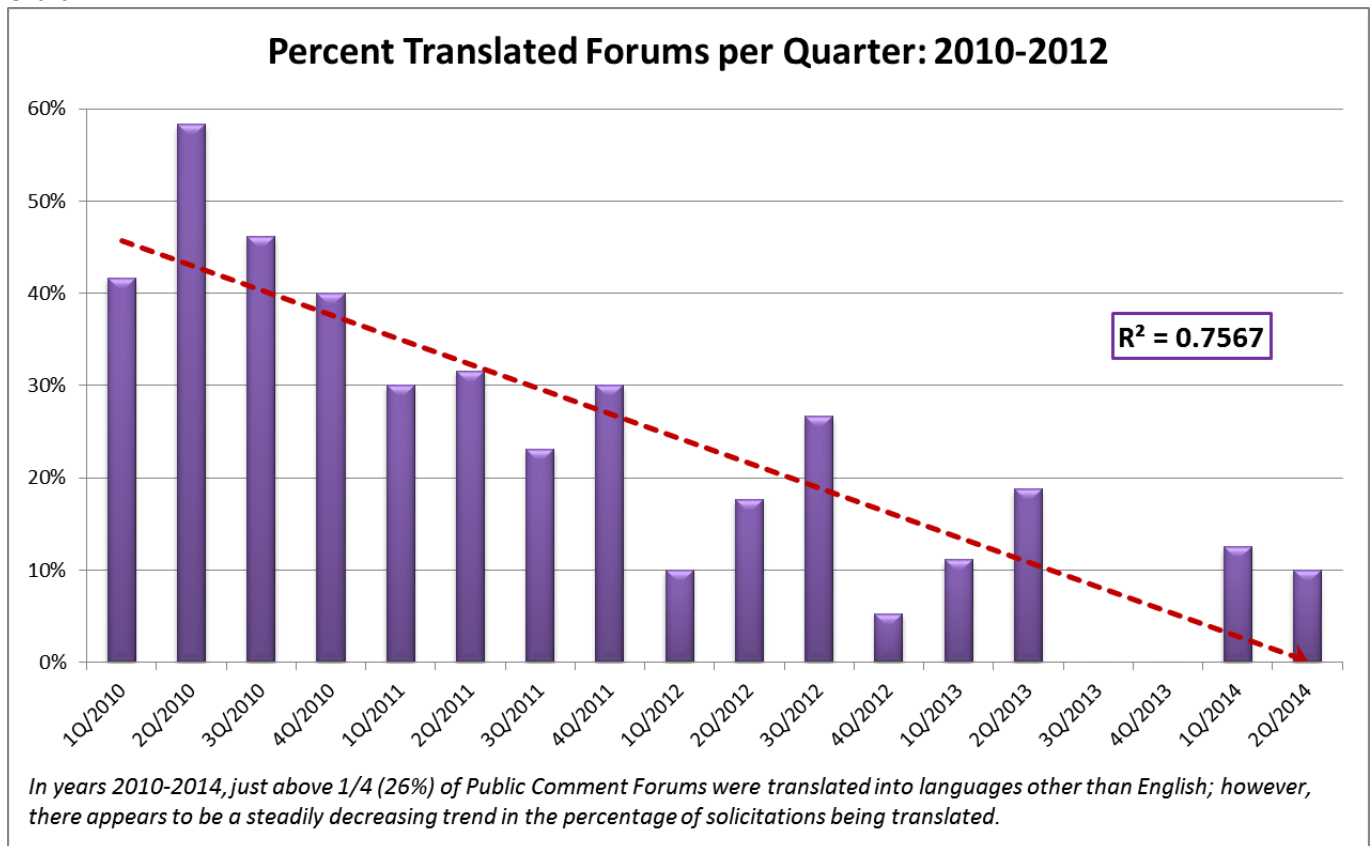
Period: January 2010-June 2014

## B. Solicitations Translated

One of the data elements captured for each solicitation was whether or not translation services were utilized. For this purpose, a solicitation was scored “Yes” for translations if there was evidence that any portion of the materials presented was made available in a language other than English<sup>2</sup>. There was no minimum requirement for number of languages selected or extent/type of material translated. Even if just one reference document was available in another language (e.g., French, Spanish), it was counted as having utilized translation services.

Chart 2 below shows that there has been a relatively steady and statistically significant decline in the use of translations for Public Comments from 2010-2014 (2Q) which was similarly noted in the original report.

Chart 2.



<sup>2</sup> This data references only the Public Comments solicitations, not the Announcements which are often translated.



# PUBLIC COMMENTS DATA ANALYSIS REFRESH

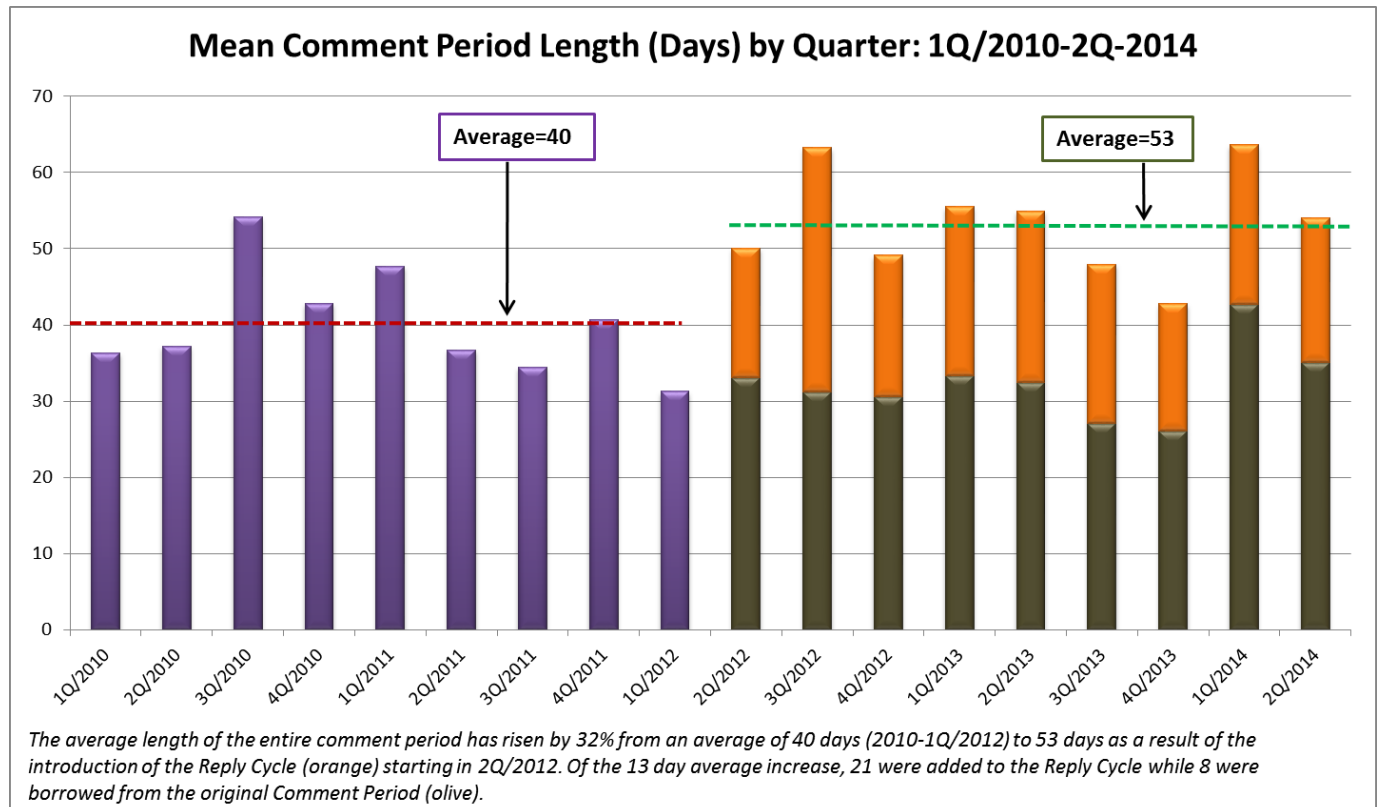
Period: January 2010-June 2014

## C. Public Comments Solicitation Length

Based upon the published Open and Close Dates (extended dates were always used where applicable), it was possible to determine the average (mean) length of time that Public Comments solicitations remained open for community participation.

The following Chart 3 illustrates that, prior to the effective implementation of Comment-Reply Cycles starting in 2Q/2012 (ATRT1 Rec #16), the average length of time for Public Comments was 40 calendar days. Once Reply Cycles were formally introduced, the overall length of solicitations experienced just shy of a two-week step increase. The reason appears to be that, although the original Comment Period was shortened by 8 days (olive bars), the Reply Cycle (orange stacks) averaged 21 days thus lengthening the entire period by 13 days ( $21 - 8 = 13$ ).

Chart 3.





# PUBLIC COMMENTS DATA ANALYSIS REFRESH

Period: January 2010-June 2014

## 3) Findings Related to Comments and Replies

This Section summarizes findings that relate to ICANN community comments and replies rather than the formal solicitations themselves.

### A. Most Popular Solicitation Topics (Total Comments Received)

The top ten most popular<sup>3</sup> Public Comments topics during the years 2010-2014 (2Q) are shown in Table 1 below, sorted in descending order by total number of submitted posts:

**Table 1.**

Title	Close Date	Comments
Phased Allocation Program in .JOBS	15-Jul-10	316
New gTLD Program – Draft Expressions of Interest/Pre-Registrations Model	27-Jan-10	277
"Closed Generic" gTLD Applications	8-Mar-13	252
Proposal for Renewal of the .NET Registry Agreement	10-May-11	186
Proposed Final New gTLD Applicant Guidebook	15-Jan-11	177
New gTLD Program - Draft Applicant Guidebook, Version 4 and Explanatory Memoranda	21-Jul-10	164
New gTLD Board Committee Consideration of GAC Safeguard Advice	4-Jun-13	129
New gTLD Applicant Guidebook – April 2011 Discussion Draft	15-May-11	107
Trademark Clearinghouse "Strawman Solution"	5-Feb-13	95

Note that no solicitation has received more than 100 comments after June 2013.

### B. Least Popular Solicitation Topics (Total Comments = 0)

At the opposite end of the sort array, there were 25 Public Comments topics (see Table 2) for which there were no comments or replies submitted (8.7% of the study sample).

<sup>3</sup> Two solicitations dealing with the .XXX domain (May & September 2010) were eliminated from this study as significant outliers having received over 13,000 and 700 submissions respectively. Nothing close to those volumes has occurred for any solicitation in the past four years.



# PUBLIC COMMENTS DATA ANALYSIS REFRESH

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Table 2.

Year	Solicitations with 0 Comments	Total Solicitations by Year	Pct of Total Solicitations
2010	7	77	9.1%
2011	8	72	11.1%
2012	3	61	4.9%
2013	6	58	10.3%
2014 (1/2 year)	1	18	5.5%
<b>Total</b>	<b>25</b>	<b>286</b>	<b>8.7%</b>

### C. Public Comments Participation Levels (Total Comments)

In order to compute a statistically representative number of comments that reflects the Public Comments experience from 2010-2014 (2Q), it is important to recognize that there have been several topics which generated abnormally high comment levels (see Top Ten List in Table 1 above). In this data set, if we were to calculate the simple average of all comments received across the 286 Public Comments topics, it would equal 15; however, that figure is misleading because it is heavily influenced by a few unusually large volumes.

To highlight this phenomenon visually, Chart 4 (below) is a frequency histogram which shows, in increments of 20, the percentage of Solicitations (blue) and Comments (red) within each band. For example, the 2<sup>nd</sup> grouping of bars signifies that 75% of the solicitations (214 out of 286) received 1-20 comments, but that grouping accounted for only 30% of the total comments submitted (1284 out of 4277). Similarly, at the upper tail, 3% of the solicitations (8 out of 286) were responsible for 38% of the total comments received from 2010-2014 (2Q)! Given this heavily skewed and lopsided distribution, it would be inappropriate to allow a small number of outlier values to significantly influence any representation as to the typical number of Public Comments experienced. As can be interpreted directly from Chart 4, a sizable majority of solicitations (84%) receive between 0 and 20 comments.

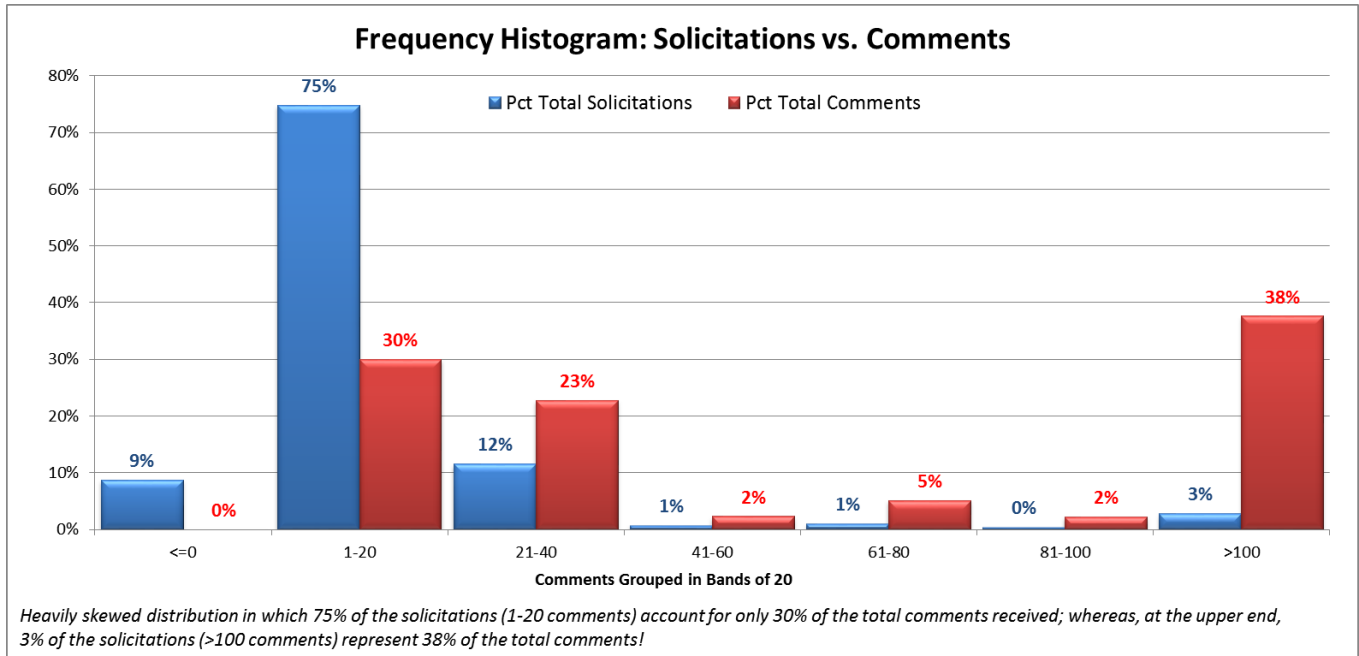




# PUBLIC COMMENTS DATA ANALYSIS REFRESH

Period: January 2010-June 2014

Chart 4.



Recognizing that simple averages (means) are inappropriate for such a skewed distribution, the preferred measure of central tendency to apply is the median, that is, the mid-point where 50% of the results occur above and below the statistic.

Chart 5 below shows the median number of comments by quarter over the study period. For this purpose, comments and replies were summed together without distinction in determining overall participation rates.

The graphic illustrates that, during the period from 1Q/2010 through 4Q/2011, the average number of comments (using medians<sup>4</sup>) per solicitation was 6.0 and, after the introduction of the ATRT1 recommendations, that number dropped slightly to 5.0. There is no evidence available to support an inference or causal connection that this minor decrease is related to the implementation of the ATRT1 recommendations. In fact, the four highest volume quarters recorded occurred after December 2011 (see 1Q/2012, 2Q/2013, 1Q/2014, 2Q/2014).

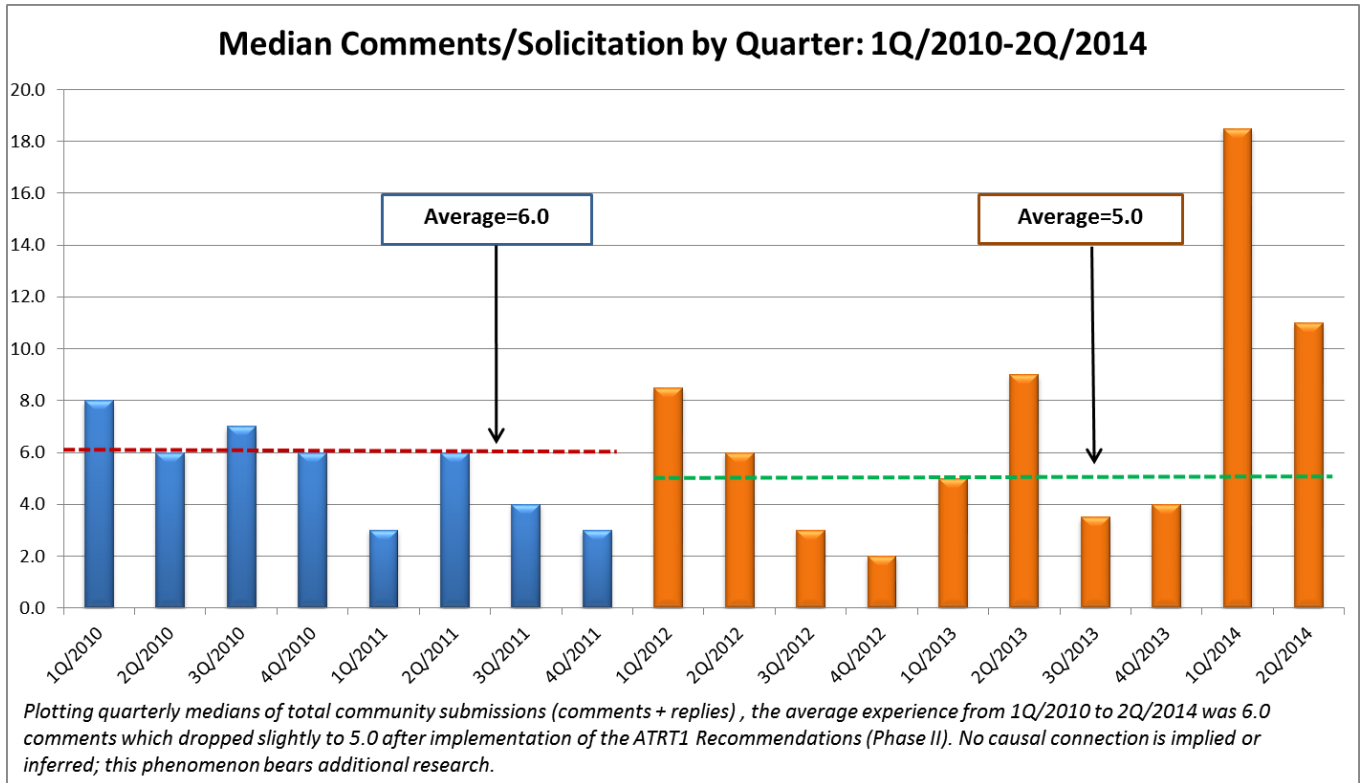
<sup>4</sup> Technically, it is not normally legitimate to average medians; however, in this instance, it is useful as a quick test to determine whether or not participation levels changed markedly pre- and post-implementation of the ATRT1 Recommendations. In this instance, there is no compelling evidence of any material change in the response rates.



# PUBLIC COMMENTS DATA ANALYSIS REFRESH

Period: January 2010-June 2014

Chart 5.



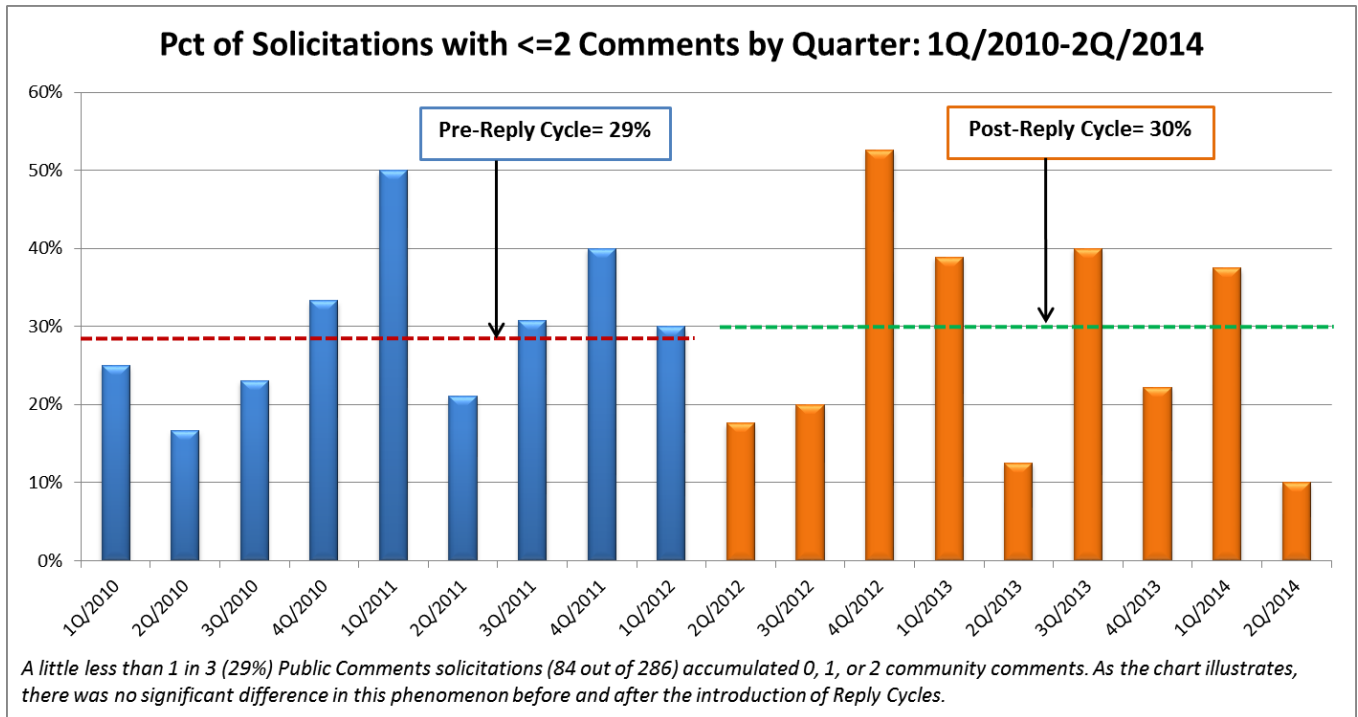
While examining the overall participation experience, the next graphic (Chart 6) illustrates that, overall, 29% of all solicitations from 2010-2014 (2Q) received less than or equal to 2 comments and, although not displayed in the chart, 9% (or 25 solicitations) experienced zero submissions. There was no fundamental change in this data before (29%) or after (30%) the implementation of the ATRT1 Recommendations in 1Q/2012.



# PUBLIC COMMENTS DATA ANALYSIS REFRESH

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Chart 6.



## D. Reply Cycles (ATRT1 Recommendation #16)

In capturing data relating to Reply Cycles, it may be helpful to recall the published rules related to comments and replies. Quoting from the ICANN.org [Public Comments](#) home page:

*“Each public comment topic (opened from 1 January 2012) is subject to a Comment and a Reply period as follows:*

- *The official minimum Comment period is 21 days.*
- *The official minimum Reply period is 21 days.*
- *If no substantive comments are received during the Comment period, then there will be no Reply period.*
- *During the Reply period, participants should address previous comments submitted; new posts concerning the topic should not be introduced. When constructing Replies, contributors are asked to cite the original poster's name, comment date, and any particular text that is pertinent.”*

It is important to note that, in the first two months of 2012, most solicitations that closed were started in 2011; therefore, they did not have any Reply Cycle information. Practically, the Reply Cycle data became reliable starting in March 2012.

During the data capture effort, it was observed that a sizable quantity of email submissions appeared, on the surface, not to be replies to previously posted comments. In order to evaluate this hypothesis,



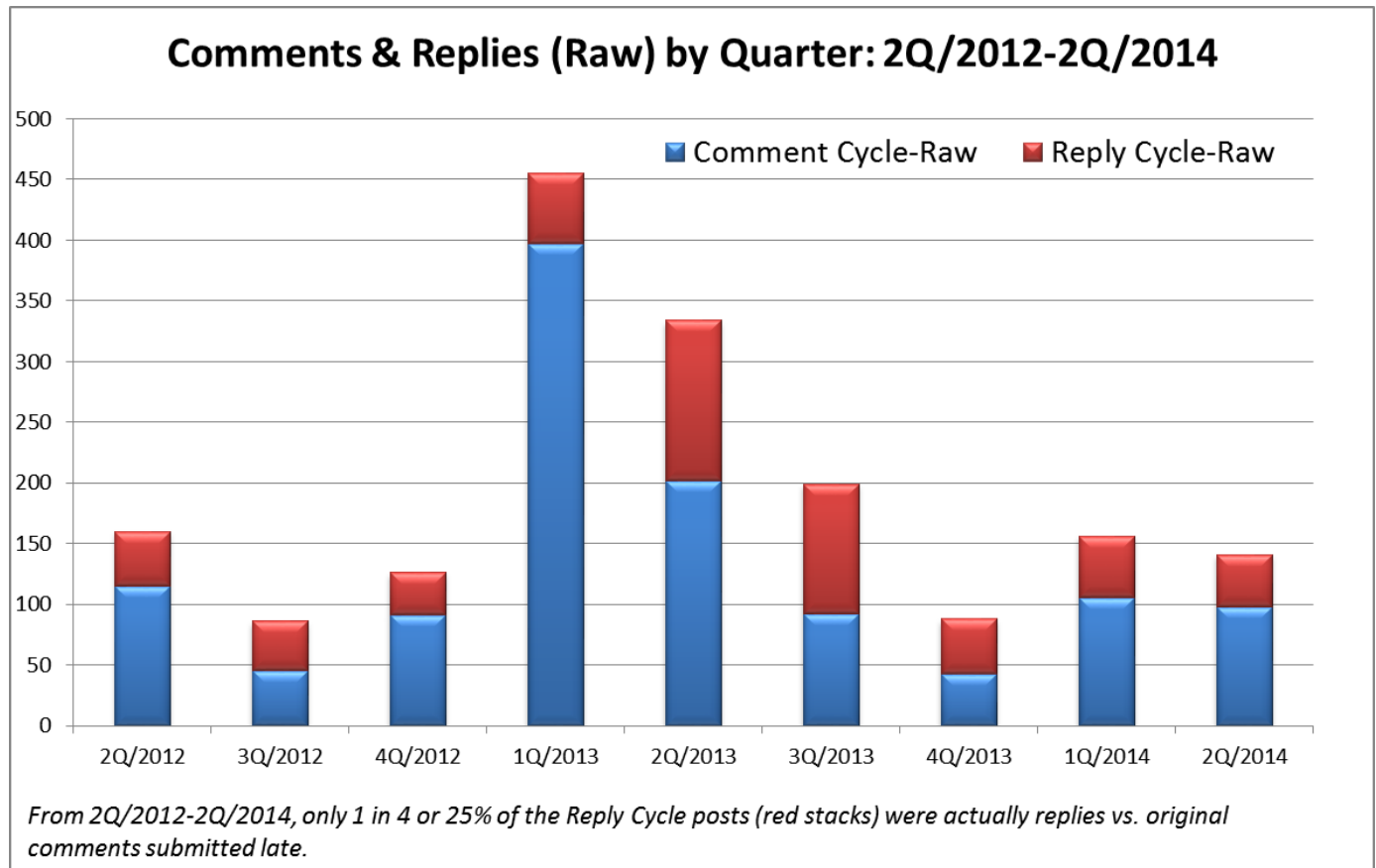
# PUBLIC COMMENTS DATA ANALYSIS REFRESH

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a separate manual exercise was launched to examine the content of every individual email posted during the officially scheduled Reply Cycles from March 2012 through June 2014.

This first Chart 7 shows the actual (raw) quantities of Comments and Replies received by quarter prior to any data cleanup. The red stacks appear to be substantial, especially compared to the blue comments bars; moreover, in the aggregate, they represent just under 30% of the total submissions. Because this information is being displayed quarterly, the reader may be interested to know that the average<sup>5</sup> number of Replies per solicitation (unadjusted) was **4.3** from March 2012 through June 2014.

Chart 7.



Once the Replies were analyzed individually, a revised accounting became available. Chart 8 below shows the aftermath of the data cleanup effort through which it was uncovered that 75% of the

<sup>5</sup> In this instance, computing an average vs. median is appropriate because there were no significant outliers in the distribution of Replies from Mar 2012 through Jun 2014.

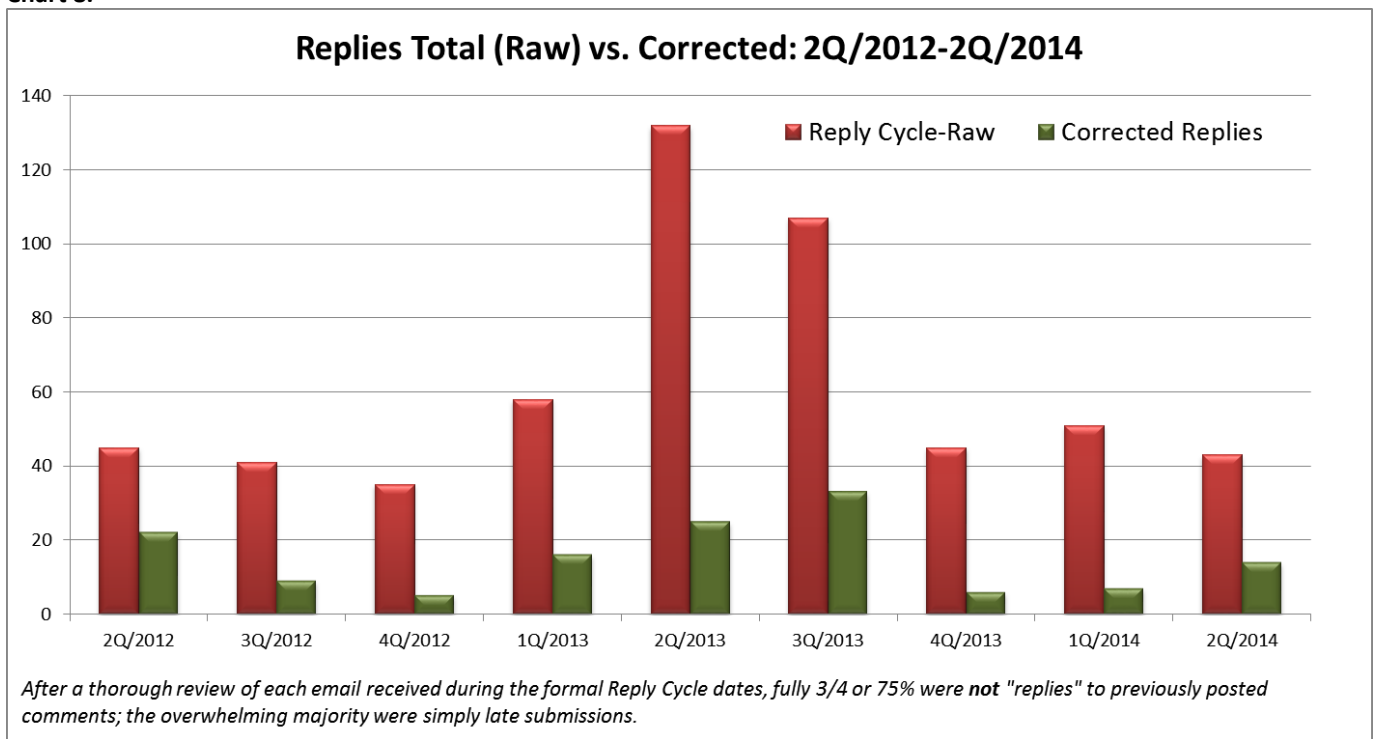


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emails posted during the scheduled Reply Cycle were NOT actual replies to any previous submission; rather, they were most typically original comments forwarded after the initial Comment Cycle had ended<sup>6</sup>. In other words, it appears as though some contributors utilized the Reply Cycle as an effective extension of the original comment period. It should be noted that the published rules concerning comments and replies were not monitored or moderated by ICANN Staff at any time since the Reply Cycle was first introduced.

Chart 8.



To provide an indication as to the level of participation in Reply Cycles, the following frequency histogram (Chart 9) shows that just under 64% of all solicitations received zero (0) Replies and nearly 80% received 0-1 Replies.

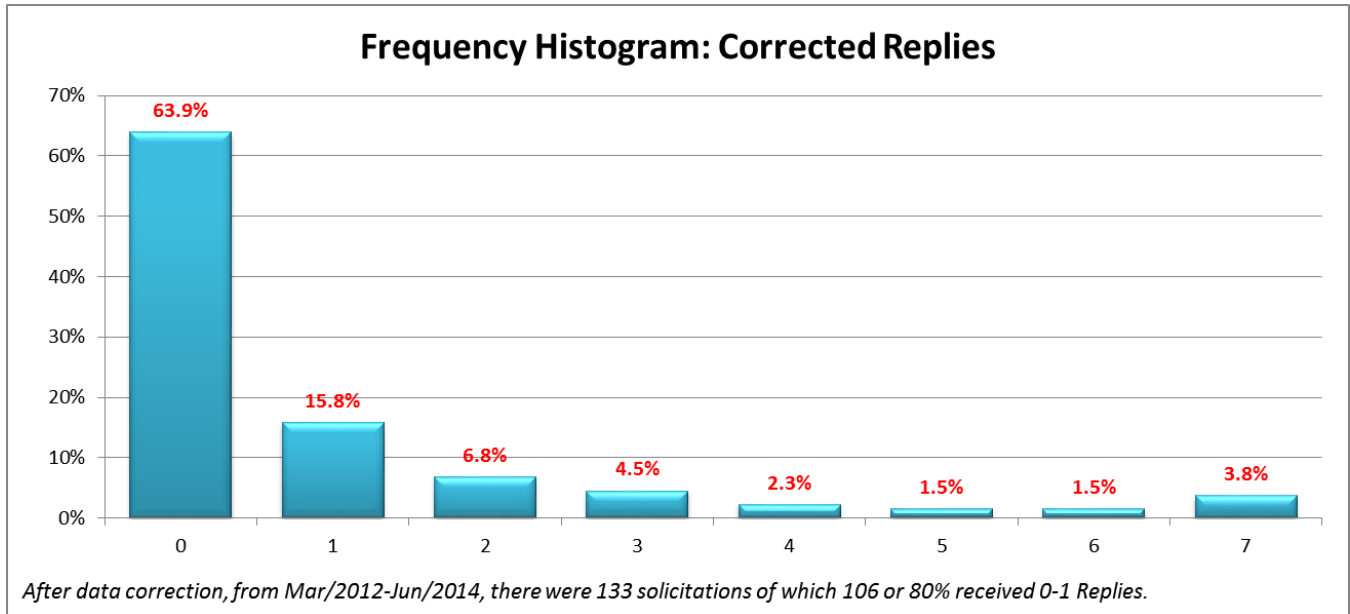
<sup>6</sup> These numbers were added back to the original comments totals for subsequent analysis.



# PUBLIC COMMENTS DATA ANALYSIS REFRESH

Period: January 2010-June 2014

Chart 9.



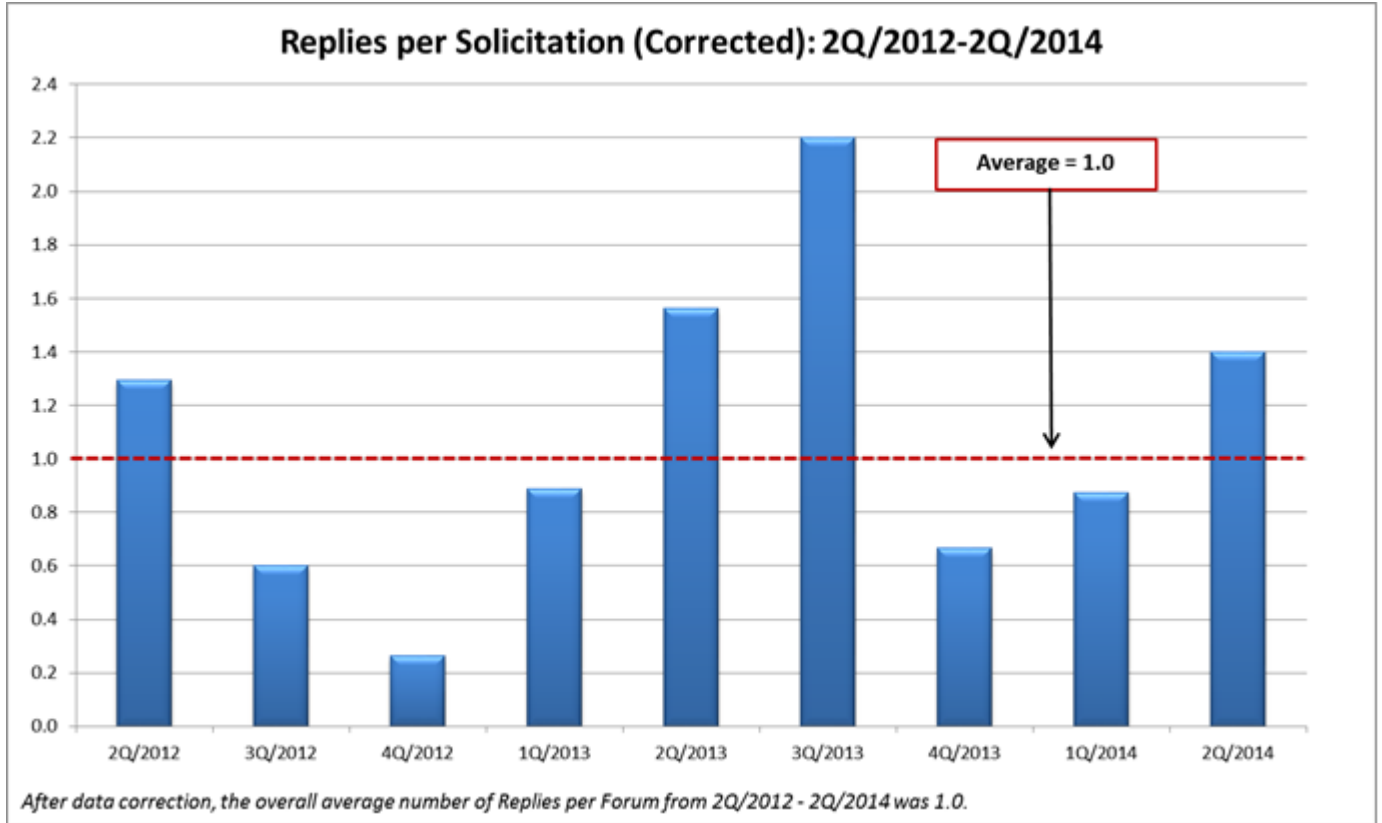
Post data cleanup, Chart 10 (below) shows that the average number of Replies per Forum was not **4.3** (the raw result); rather, it was essentially **1.0** during the period 2Q/2012-2Q/2014. The aggregate number of Replies, after correction, represented only 8% of the total submissions versus 30% using the unadjusted figures.



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Chart 10.





# PUBLIC COMMENTS DATA ANALYSIS REFRESH

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## 4) Overall Conclusions

The following sections summarize findings that can be deduced from this data analysis as well as statements indicating where further research is needed.

### A. Original ATRT1 Recommendations

#### Recommendation #15: Stratification and Prioritization

No data was collected that would enable assessing the effectiveness of having introduced a categorization<sup>7</sup> scheme for each Public Comments topic. Similarly, prioritization was handled by providing community members supplementary fields such as context, next steps, et al. Additional research would be needed to determine the benefit of these measures, possibly employing a survey instrument or focus group.

#### Recommendation #16: Comment-Reply Cycles

As initially reported in May 2013, the extended data set continues to show that the Reply Cycle is not being utilized as originally envisioned. After examining the submissions for each solicitation from January 2013–June 2014 and appending that data to what had been reported from March 2012–December 2012, fully 75% of replies were determined to be original comments submitted after the deadline. That figure is up 4% compared to the May 2013 data analysis. The average number of adjusted Replies continued to hover at approximately **1.0** per solicitation and **80%** of all solicitations during that period received 0 or 1 Replies after data cleanup.

Staff determined mid-way through 2014 that the Reply Cycle should be suspended. That decision is supported by this extended data analysis, which shows that the preponderance of Replies are simply late submissions forwarded after the original Comment Period closed. See Section C (below) for further information concerning Public Comments revisions taking effect in January 2015.

#### Recommendation #17: Timelines

No data was collected to determine whether or not fixed minimum timeframes for Comment and Reply periods have impacted any dependent variables relating to Public Comments efficiency, effectiveness, or participation<sup>8</sup>.

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<sup>7</sup> It should be noted that, after some redevelopment work on Public Comments, the categorizations approved as part of ATRT1 are no longer being displayed on the ICANN website.

<sup>8</sup> Independent of this data analysis, Staff is aware that some community members have requested that the length of time for Comments (Avg=32 days) and Replies (Avg=21 days) be extended beyond the current levels.





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The analysis has determined that the overall length of solicitations has increased by 15 days (see Section 3-C, Chart 3) attributable to the addition of a Reply Cycle averaging 23 days while having only shortened the original average comment period (40 days) by 8 (23-8=15). There is no evidence, based upon the data analyzed from 2010-2012, that lengthening the entire period by just over two weeks has resulted in any measurable change to the response or participation rate.

## Recommendation #21: Upcoming Topics

No data was available for analysis that would help assess the extent to which forecasting and publishing [Upcoming Topics](#) has been beneficial to community members.

To evaluate the value and benefit of this particular enhancement would require additional research, possibly incorporating a survey instrument or focus group.

## **B. Other Findings and Conclusions**

### Participation Levels

As initially reported in May 2013, the median number of total comments posted was **6** before the ATRT1 enhancements were implemented in 1Q 2012 and **5** thereafter (see Chapter 3-C, Chart 5). There is no supporting quantitative evidence that community participation levels have been materially affected by any of the changes introduced as a result of ATRT1 enhancements.

## **C. Enhancements Related to ATRT2 Recommendations**

A second ATRT team ("ATRT2") was commissioned in Feb 2013 and released its final report to the ICANN Board on 31 December 2013 which constituted a review of ATRT1's recommendations as well as new elements not considered by the original team. Two recommendations (#7.1, #7.2) dealt specifically with Public Comments and were addressed in a plan submitted to ATRT2 by David Olive, Sr. Vice President-Policy Development, on 25 February 2014. Subsequently, that plan took the form of the following four short-term recommendations summarized below, which were approved for implementation after review with SO/AC leaders in May 2014:



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No.	Brief Description	Rationale/Explanation
1	Suspended "Reply Cycles"	A data analysis covering 4.5 years of Public Comments has not supported the effectiveness of Reply Cycles which were added in January 2012 as a result of recommendations from ATRT1. The original Data Analysis Report published in May 2013 and confirmed by the most recent data refresh <sup>9</sup> , shows that the number of Replies to Public Comments solicitations since implementation has averaged approximately <b>1.0</b> ; moreover, 64% of all solicitations received no qualified Replies and 16% received only one Reply. Staff's conclusion was to suspend Reply Cycles effective with this change and follow up in approximately six months to evaluate the effectiveness of this process revision.
2	Introduce minimum 40-day comment period default target	Given the elimination of the 21-day Reply Cycle (see #1 above) and responding to the frequently expressed community concern that there is often an insufficient amount of time to produce substantive responses to Public Comments, the new "default" target comments period is lengthened to 40 days. Setting shorter periods is possible with the approval of two ICANN Staff Global leaders. Comment periods <u>longer</u> than 40 days are, of course, acceptable.
3	Reinforce clear deadlines for Staff Summary Reports	The deadline for Staff Summary Reports has been 2 weeks since January 2012; however, a new policy requires management escalation if a report is not published within the allotted timeframe and no advanced communication is received requesting a delay due to extenuating circumstances. The ICANN web page for each Public Comment solicitation will prominently depict the status of each proceeding from comment opening to the posting of the Staff Summary Report.
4	Implement Staff Summary Report community inquiry protocol	The ATRT2 specifically recommended that, "The Board should establish a process ... where [participants] can request changes to the synthesis reports in cases where they believe the staff incorrectly summarized their comment(s)." Working with our IT and development colleagues, Staff has introduced a simplified protocol through which a community member may submit an inquiry, through the Public Comments website, for subsequent review, analysis, and disposition by Staff.

<sup>9</sup> Still under management review; expected to be published in January 2015.



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## Appendix A: Public Comments ATRT1 Recommendations

There were four specific ATRT1 Recommendations pertaining to Public Comments:

- Rec #15:** Incorporate Prioritization and Stratification based on community input and consultation with Staff.
- Rec #16:** Create distinct Comment and Reply cycles that allow community respondents to address and rebut arguments raised.
- Rec #17:** Establish fixed duration Timelines to provide adequate opportunity for considered and timely comments and replies.
- Rec #21:** Introduce forecasts of Upcoming public comments topics to facilitate community planning & participation.

Staff developed a program to implement the above recommendations in two phases as shown in the table below:

Implementation Phases	Recs	Effective Date
<b>Phase I</b> included ICANN.org website design improvements to streamline presentation and navigation; Staff templates for consistency; and Upcoming topics forecasting.	#21	1 Jul 2011
<b>Phase II</b> included the introduction of Comment-Reply cycles, Stratification (i.e., categories), and <u>minimum</u> fixed duration timelines of 21 days each for initial comments and replies.	#15, #16, & #17	1 Jan 2012

For a summary of findings that bear directly upon specific ATRT Recommendations, please see Chapter 4: Overall Conclusions.