

Ad Hoc Meeting "Consumer Trust" in the Mission Statement

Monday, 11 January 2016 | 13:00 UTC

ISSUE: Paragraph 3 of the Affirmation of Commitments describes the goals of the AoC, saying:

"This document affirms key commitments by DOC and ICANN, including commitments to: ... (c) promote competition, consumer trust, and consumer choice in the DNS marketplace...."

Paragraph 9.3 of the AoC says:

... If and when new gTLDs (whether in ASCII or other language character sets) have been in operation for one year, ICANN will organize a review that will examine the extent to which the introduction or expansion of gTLDs has promoted competition, consumer trust and consumer choice ICANN will organize a further review of its execution of the above commitments two years after the first review, and then no less frequently than every four years.

In the Initial Draft Proposal, this AoC language was transposed into the Core Values by requiring ICANN to depend "on market mechanisms to proote and sustain a healthy competitive environment in the DNS market that enhances consumer trust and choice." (Para 107, page 27 Initial Draft Proposal)

In the 2nd Draft Proposal we elected to delete the reference to consumer trust in the Mission statement and include it in the Review section of the Bylaws (See 3rd Report, Appendix 9, Para. 33). The reason we agreed to make this switch was because it is not a standalone ICANN commitment in the AoC, rather, it is specifically tied to new gTLD expansion and specifically tied to a required review.

Several commenters in both the 2nd and 3rd comment round argued that the Core Values should specifically call out consumer trust. Some have disputed my characterization of Paragraph 3 of the AoC (i.e., it states the goals of the AoC but does not recite a specific commitment), on the grounds that my characterization is an opinion and not a fact.

QUESTIONS:

Should an AoC provision specific to TLD expansion be leveraged to impose generalized, independent, and affirmative competition and consumer trust protection obligations on ICANN?

Does ICANN's fundamental Mission to ensure "stable and secure operation" of the DNS, and its various Commitments (i.e., to use processes that enable competition, and to preserve stability, reliability, security, global interoperability, resilience, and openness) adequately address this concern?