

One central risk of the transition is that a largely unregulated and unconstrained ICANN will leverage its power over the DNS to exercise control over non-DNS-related Internet conduct and content.

[...]

The CCWG Draft Proposal recognizes this risk, and we strongly endorse its stated goals: (a) "that ICANN's Mission is limited to *coordinating and implementing* policies that are designed to ensure the stable and secure operation of the DNS and are reasonably necessary to facilitate the openness, interoperability, resilience, and/or stability of the DNS,"; (b) that its Mission "does *not* include the regulation of services that use the DNS or the regulation of the content these services carry or provide," and that (c) "ICANN's powers are 'enumerated' – meaning that anything not articulated in the Bylaws are outside the scope of ICANN's authority."

DP-DK, comment 95

IA supports the clarification to ICANN's Mission Statement that the scope of its authority does not include the regulation of services that use the DNS or the regulation of content these services carry or provide.

IA, comment 96

BC strongly support the proposition that ICANN should not attempt to establish obligations on non-contracted parties. Paragraph 60 should be clarified and we propose that it should read as follows: "*ICANN shall not engage in or use its powers to attempt to establish contractual obligations on companies with which it is not in privity of contract and shall not attempt to establish contractual obligations on contracted parties that are not agreed by such parties.*"

BC, comment 100

We strongly support the proposition that ICANN should not attempt to establish obligations on non-contracted parties. Indeed, ICANN's entire multi-stakeholder structure is built on a self-regulatory system implemented through contractual obligations and thus ICANN can only establish contractual obligations on parties with which it has privity through a negotiated and mutually agreeable contract/amendment with such parties

USCIB, comment 103

We support the inclusion of an explicit statement that ICANN's Mission does not include the regulation of services that use the DNS, or the regulation of the content these services carry or provide

LINX, comment 104

We especially find it important, that "ICANN's Mission does not include the regulation of services that use the DNS or the regulation of the content these services carry or provide"

JPNIC, comment 105

We further suggest paragraph 60 be amended to indicate that without prejudice to ICANN's ability to interpret or efforts to ensure compliance with its contracts, ICANN does not enjoy broad regulatory authority and will not engage in or use its power to regulate entities with which it does not have a contractual relationship, and shall not attempt to establish additional requirements on parties beyond those to which the parties agree.

USCC, comment 110

ICANN is prohibited from engaging in activities unrelated to ICANN's core mission or entering into an agreement or modifying an existing agreement to impose on a registrar or registry with which ICANN conducts business any condition (such as a condition relating to the regulation of content) that is unrelated to ICANN's core mission

HR2251, comment 113

No ICANN action should violate fundamental human rights. We therefore welcome and note with approval that the call to forebear from content regulation in the mission statement section shows a positive concern for human rights.

NCSG, comment 114

Clearly defining ICANN's mission and putting into place efficient and effective institutional mechanisms for enforcing those limitations is the most important element of the ICANN accountability reforms.

I applaud the recognition that ICANN's Mission does not include the regulation of services that use the DNS or the regulation of the content these services carry or provide. I hope this can serve as a strong constraint on existing and future ICANN contracts, some of which already violate that principle.

MM, comment 115

In particular, it supports clarifying ICANN's Mission Statement to state explicitly that the scope of ICANN's authority does not include the regulation of services that use the domain name system (DNS) or the regulation of content these services carry or provide.

I2C, comment 119