WP2: Categorising Public Comment Replies

Section: Mission and Core Values

Aims

The goals of this categorisation exercise were:

i) To identify common topics that those who submitted replies wished to discuss, so that WP2/CCWG can organise itself to discuss these topics;

ii) To show the relative popularity of each topic as an item for discussion, so that WP2/CCWG can prioritise its focus accordingly;

iii) To collect those comments are all on a given topic together, and separate them out from unrelated comments, so that when WP2/CCWG discusses an issue it has readily before it all the feedback received on that issue

iv) To ensure that items that were new to CCWG and which did not receive much attention were captured, so that these additional ideas were not excluded from consideration

Methodology

The reviewers read the Public Comment Replies[1] and sought to identify broad topics or issues to which particular comments were addressed. These topics were drawn broadly, and value neutral as to the position taken on the topic.

Outcome

The process produced seven major substantive topic areas for WP2/CCWG to discuss, plus "General comments about the proposal as a whole", "New ideas proposed for inclusion" and "Other ideas, e.g. suggestions for CCWG's working practices". We also identify three sub-topic in each of three of this topic areas, should the discussion need to be broken down further.

Seven main topics or sixteens detailed topics seems a manageable number.

Every topic and subtopic had at least three commenters speaking to it, except "other ideas".

The reviewers did not identify any comments raised that could not be categorised and indexed using this methodology: it therefore aims to constitute (errors and oversights aside) an exhaustive reference.

[1] The starting point for this exercise was the summary of public comment replies supplied by staff support, not the original replies themselves.

Breakdown of comments received

Main topic area	Sub-topic area	No. of commenters who submitted comments relating to this topic
Defined Powers		17
	General Regulatory Power	19
	Human Rights and Freedom of Expression	
	Contract compliance	
Balancing Core Values		13
Relationship to government and law		
	"Private sector led"	7
	Deference to GAC or governments	8
	Compliance with local law or international law	5
Correctness of Core Values		4
	Consumer choice / Paragraph 337 / Paragraph 60	5
	Multistakeholderism	4
	"Public good" and "Public interest"	7
Enforceability		9
Mutability and mechanisms to change core values		6
Specific areas that aren't DNS policy: e.g. specifically related to numbers, protocols, root servers or ccTLD		4
General or non-specific		13
New/missing items for inclusion text		9
Other ideas (not for inclusion in text)		2

Scope of topics

This section explains the meaning used by the reviewers when identifying a topic, and how comments were classified.

Defined Powers

There were a number of commenters who spoke specifically to the aspect of the proposal that ICANN's powers or role should be specifically enumerated, and that activities outside the scope of these defined powers or role should be prohibited. Comments relevant to this issue have been collected under defined powers.

However, there were also a considerable number of commenters who addressed their comments to a specific subset of this issue, namely, the CCWG's identification of a need to specifically exclude ICANN from undertaking activities "to attempt the regulation of services that use the Internet's unique identifiers, or the content that they carry or provide". Comments that specifically referenced the need to protect human rights or freedom of expression and the adequacy of the proposed measures were grouped together here, as were comments criticising the wording for other reasons.

Balancing Core Values

Comments were grouped under this topic if they addressed the question of how core values and commitments would be balanced against each other. They include any comments relating to the new wording CCWG proposes to guide any balancing of Commitments.

Relationship to government and law

This topic area comprises three sub-topics:

- Comments received in relation to the phrase "Private sector led", including any alternatives
- Comments received that discuss deference to the opinion of governments or of GAC, to government policy, or related matters, whether specifically in the context of the formal GAC advice to the Board or otherwise
- Comments received that discuss ICANN's deference to, or compliance with, international law or local law (including any comments that discuss any perceived need to recognise, record, preserve or enhance such deference or compliance).

Correctness of core values

This topic are covers any comments received that speak to the correctness of the core values as proposed by CCWG (for example, proposals for re-wording, suggestions of omissions, or statements of support for the CCWG's proposed wording).

The reviewers identified three sub-areas within this where comments were received:

- Multistakeholderism
- Any comments that discuss the use of the phrase "public good" or "public interest"
- A number of comments that discuss the mention of consumer choice and, in particular, compare paragraph 60 (a proposed new core value) with paragraph 337 (an explanatory paragraph not part of the proposed bylaws wording)

Enforceability

While there is a topic area that covers comments that merely state that ICANN's powers should be limited, those comments that specifically speak to the enforceability of that limitation are listed under this topic.

Specific areas that aren't DNS policy

Comments that addressed issues specifically about the relationship with the numbers community, the protocols community, the root name servers community, or about ICANN's activities and role (including limits on its role) in relation to number, protocols, or root name servers, or the consequences and implications of any of the above are listed under this topic, as are comments that discuss the limits of ICANN's role in relation to ccTLDs / ICANN's lack of authority to make policy for ccTLDs.

Mutability and mechanism to change core values

Any comments that address how core values might be changed, or the need to entrench them, or the need to ensure that they can be changed over time are collected under this topic.

General or non-specific

Any comments that speak non-specifically to the CCWG proposal as a whole.

New/missing items for inclusion in text

Any comments that identify new items that the comment proposes should be included in the bylaws text, not covered under other categories, are gathered under this topic.

Other

Other comments that do **not** propose or imply changes to the text are included under this topic, (for example, comments on how the CCWG should go about its work).

Appendix: Index of comments received

This appendix indexes the Public Comment Summary so that individual comments on a particular topic can be found quickly.

Topic	Commenter	Ref	Notes/extract
Defined powers	DP-DK	95	
	IA	96	
	RySG	98	
	BC	100	
	LINX	104	
	JPNIC	105	
	Govt-BR	107	
	CDT	109	
	INTA	111	
	.NZ	112	
	HR2251	113	
	MM	115	
	CENTR	118	
	i2Coalition	119	
	Govt-IN	133	
	CIRA	149	
	NCSG	155	
General Regulatory Power / Human Rights and Freedom of Expression / Contract compliance	NCSG	73	
	WC	91	
	DP-DK	95	
	IA	96	
	BC	100	
	USCIB	103	
	LINX	104	
	JPNIC	105	
	IPC	106	
	MPAA	108	
	HR2251	113	
	NCSG	114	
	MM	115	
	i2Coalition	119	
	JS	125	
	CRG	128	
	Govt-IN	133	
	DP-DK	134	
	USCC	151	

Balancing core values	IA	96	
	BC	100	
	.UK	101	
	USCIB	103	
	LINX	104	
	JPNIC	105	
	CDT	109	
	USCC	110	
	.NZ	112	
	CG	116	
	CENTR	118	
	i2Coalition	119	
	CENTR	157	
"Private sector led"	IA	96	IA suggests the continued use of the phrase "private sector led" in the Bylaws and other documentation. The term has been used since ICANN's inception to mean "non-governmental," and not commercial. If any alternative term is used, it must be clear that it is meant that ICANN will remain non-governmental led.
	RySG	98	
	BC	100	
	USCIB	103	
	HR2251	113	
	MM	115	
	ALAC	121	
Deference to GAC or governments	NCSG	73	
	JS	89	
	IA	96	
	Govt-ES	97	
	JPNIC	105	
	HR2251	113	
	MM	115	
	i2Coalition	119	
Compliance with local law or international law	IA	96	
	Govt-ES	97	
	CCG	99	
	i2Coalition	119	
	LAB	122	
Correctness of Core Values	NCSG	73	
	JH	138	
	USCIB	141	
	MPAA	147	
Consumer choice / Paragraph 337 / Paragraph 60	NCSG	73	
	BC	100	
	USCIB	103	

	MM	115	
	USCIB	141	
Multistakeholderism	DP-DK	95	
	RySG	98	
	LAB	122	
	JH	138	
"Public good" and "Public interest"	NCSG	73	
	NM	93	
	Govt-ES	97	
	LINX	104	
	MM	115	
	LAB	122	
	NM	130	
Enforceability	DP-DK	95	
	IA	96	
	BC	100	
	LINX	104	
	USCC	110	
	INTA	111	
	MM	115	
	INTA	152	
	.NZ	153	
Mutability and mechanisms to change core values	NM	93	
	RySG	98	
	.UK	101	
	.NZ	112	
	CENTR	118	
	ALAC	121	
Specific areas that aren't DNS policy	.UK	101	
	IAB	102	
	USCIB	103	
	RSSAC	123	
General or non-specific	DBA	90	
	Afnic	94	
	DP-DK	95	
	IA	96	
	RySG	98	
	BC	100	
	JPNIC	105	
	IPC	106	
	Govt-BR	107	
	USCC	110	
	Board	117	
	CENTR	118	
	NIRA	120	
New/missing items for	DCA-T	92	

inclusion text			
	BC	100	
	IAB	102	
	USCIB	103	
	MPAA	108	
	CDT	109	
	CENTR	118	
	ALAC	121	
	LAB	122	
Other ideas (not for inclusion in text)	Board	117	
	CENTR	118	