

## eNACSO EU Project - Response to consultation on enhancing accountability

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Dear ICANN

We refer to your request for comments in respect of CCWG-Accountability 2nd Draft Proposal on Work Stream 1 Recommendations  
<https://www.icann.org/en/system/files/files/ccwg-draft-2-proposal-work-stream-1-recs-03aug15-en.pdf>.

In particular we refer to paragraph 187. It reads as follows:

ICANN shall have no power to act other than in accordance with, and as reasonably appropriate to achieve its Mission. Without in any way limiting the foregoing absolute prohibition, ICANN shall not engage in or use its powers to attempt the regulation of services that use the Internet's unique identifiers, or the content that they carry or provide.

The language of the paragraph as a whole is not very clear but of special concern is the part highlighted in yellow.

Potentially such wording is hugely restricting and limiting. Take the example of domains that are heavily and repeatedly associated with the distribution of child pornography or other activities associated with child exploitation. As we read it, assuming it were possible to utilize unique identifiers to reduce the incidence of such activity ICANN would deliberately and forever deny itself the possibility of so doing. That cannot be right.

For further information don't hesitate to contact us

Best regards,

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