

From: At-Large Advisory Committee  
To: Fadi Chehade ICANN President and CEO  
Cc: ICANN Board Members, Community Working Group

Subject: ICANN and Consumer Trust

Dear Mr. Chehade,

The At-Large Advisory Committee is seeking clarification on a number of items as they relate to ICANN staff functions and the issue of Consumer Trust. Consumer Trust is a prominent feature of the Affirmation of Commitments and is being extended to the bylaws through current accountability reviews. As this is an important concept to the At-Large community we are keenly aware of whether or not consumer trust is a priority of ICANN. To this end we bring three (3) questions to your attention:

### 1. ~~Concerning the Promised~~ Consumer Safeguard Director

On 12 October 2014 ICANN announced a "Position of Consumer Safeguards Director is Created" and more specifically:

"A newly created position of Consumer Safeguards Director will also report to Grogan, and will focus specifically on implementation of those ICANN contract safeguards directed toward protecting consumers." (see: <https://www.icann.org/news/announcement-2014-10-12-en>)

~~However, during an At-Large session at ICANN54 in Dublin Alan Grogan was asked how many of his staff focused on consumer issues and his answer was that no one specifically focused on consumers. ALAC would like to know what the progress is creating or filling this post of Consumer Safeguards Director. Specifically, has the position been budgeted, defined, and is there a current hiring process?~~  
However, during an At-Large session at ICANN54 in Dublin Alan Grogan was asked how many of his staff focused on consumer issues and his answer was that no one specifically focused on consumers. ALAC would like to know what the progress is creating or filling this post of Consumer Safeguards Director. Specifically, has the position been budgeted, defined, and is there a current hiring process?

### 2. Concern over statements made by Compliance Director

~~During the same At-Large session mentioned above, Alan Grogan was asked a series of questions concerning the importance of Consumer Trust within ICANN. Grogan's response was generally that consumer trust was not in his department's mission, was not a primary responsibility of ICANN, was not a critical part of the Affirmation of Commitments, and that he was not specifically aware of its importance in the IANA stewardship transition. ALAC is concerned that consumer trust is being made a priority within ICANN's compliance function. We would like to offer Mr. Grogan an opportunity to restate the goals of compliance to include consumer trust.~~  
During the same At-Large session mentioned above, Mr. Grogan was asked a series of questions concerning the importance of Consumer Trust within ICANN. His response was generally that consumer trust was not in his department's mission nor was it a

primary responsibility of ICANN. ALAC is concerned that consumer trust is not being made a priority within ICANN's compliance function. We would like confirmation that as per the Contractual Compliance Mission "To preserve the security, stability and resiliency of the Domain Name System and to promote consumer trust." consumer trust is indeed among the primary goals of the department.

### **3. Outreach from Compliance to ALAC**

On 11 June 2015 the ~~Compliance Director~~ Mr. Grogan, as ICANN Chief Contract Compliance Officer, issued a blog entitled "Community Outreach On Interpretation and Enforcement of the 2013 RAA" in which he stated:

"I have held a number of meetings and telephone calls since ICANN 52, including with members of the Registrar Stakeholder Group, representatives of the IPC and intellectual property owners, members of civil society".

We note that neither ALAC nor At-Large seem to have been part of this outreach. Additionally, when Alan ~~Mr.~~ Grogan was asked at ICANN\_54 ~~Dublin~~ what consumer groups he has met with as part of his outreach, ~~Grogan~~ he named a number of government agencies and industry lobbying groups but has apparently not met with consumer groups. ALAC would like to see this lack of consultation remedied.