



LEADERSHIP AND
MARKETING EXCELLENCE

Comments of the Association of National Advertisers (ANA) on ICANN CCWG-Accountability Draft Proposal on Work Stream 1 Recommendation #11

On behalf of the Association of National Advertisers (ANA), whose almost 700 members and over 10,000 brands represent virtually every category and service sector and collectively spend over \$250 billion in marketing and advertising annually, we thank ICANN for the opportunity to present our comments on the ICANN CCWG-Accountability Draft Proposal on Work Stream 1 Recommendation #11, Stress Test #18 (30 November 2015), and specifically on the proposed 2/3 vote for the Board to reject GAC advice found in the proposed amendment to Bylaws Article XI, Section 2 (the “Vote Proposal”).

The Vote Proposal, however well-meaning, in our view, would create a dangerous new precedent whereby GAC would have even more power within ICANN to derail the application process without any foundation in international law other than offense against GAC sensitivities. This new environment would undermine the international and national legal protection systems for trademarks and consumer protection laws and would create extremely vague new sources of GAC and local government objections leading to uncertainty and confusion for users of the system, while at the same time making it more difficult for the Board to exercise independent judgment. In short, the Proposal would enhance, not diminish, the undesirable path of “government capture” of ICANN processes. Moreover, the Vote Proposal, which emanates from the Accountability review, would decrease, not increase, ICANN’s accountability since it would make it more difficult to move in a different direction once GAC has spoken. Although GAC is supposedly an “advisory” body, the Vote Proposal would transform it clearly into a “decision-making” body, which is contrary to well understood perceptions in the multistakeholder community.

Accordingly, the ANA strongly urges ICANN to reject the Vote Proposal and maintain the status quo on this important procedural issue, while at the same time ANA encourages ICANN to explore other avenues to make the GAC more accountable.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Jaffe', written in a cursive style.

Dan Jaffe
Group EVP Government Relations, Association of National Advertisers (ANA)