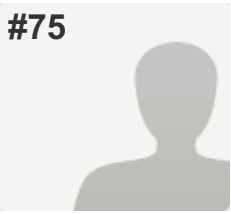


#75



**COMPLETE**

**Collector:** Web Link 1 (Web Link)

**Started:** Monday, December 07, 2015 2:30:30 PM

**Last Modified:** Monday, December 21, 2015 12:37:16 PM

**Time Spent:** Over a week

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PAGE 2: Personal Information

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Q1: Name	Aparna Sridhar
Q2: Affiliation	Business Constituency
Q3: Responding on behalf of	Google Inc.

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PAGE 3: Recommendation 1

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Q4: Is establishing an Empowered Community for enforcing Community Powers a solution that is acceptable to you?(Please see Annex 1 - Recommendation #1: Establishing An Empowered Community For Enforcing Community Powers for more information)	Yes, I support this recommendation.
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PAGE 4: Recommendation 2

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Q5: Is empowering the community through consensus: engage, escalate, enforce a solution that is acceptable to you?(Please see Annex 02 - Recommendation #2: Empowering The Community Through Consensus: Engage, Escalate, Enforce for more information)	Yes, I support this recommendation.
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PAGE 5: Recommendation 3

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Q6: Is redefining ICANN's Bylaws as 'Standard Bylaws' and 'Fundamental Bylaws' a solution that is acceptable to you?(Please see Annex 03 - Recommendation #3: Redefining ICANN's Bylaws As 'Standard Bylaws' And 'Fundamental Bylaws' for more information)	Yes, I support this recommendation.
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PAGE 6: Recommendation 4

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**Q7: Is ensuring community involvement in ICANN decision-making: seven new Community Powers a solution that is acceptable to you? (Please refer to Annex 04: Details on Recommendation 4: Ensuring Community Involvement In ICANN Decision-Making: Seven New Community Powers for more information)**

Comment

As noted in Google's original comments, the power to remove the ICANN Board as a whole could have destabilizing effects on ICANN and on the Internet more broadly: it could leave an organization at the heart of the Internet ecosystem without a stable and empowered governance body. The proposal's suggestion that the community have the power, in exceptional circumstances, to remove individual Board members is a prudent way to enhance the organization's overall accountability -- without introducing the potentially destabilizing effects of removing the Board writ large. Google continues to urge that recalls be based on specific, serious concerns with an individual Board member rather than a generalized objection to the Board as a whole. Moreover, because the proposal allows individual members to be recalled, a Board recall provision is simply not necessary as a practical matter: if the multistakeholder community is unhappy with all of its Board members, it will have the ability to unseat them individually. If the community is only unhappy with a subset of members, it does not make sense to remove the directors who are performing well. For these reasons, we continue to believe that the community should only have the power to remove individual Board members.

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**Q8: Is changing aspects of ICANN's Mission, Commitments and Core Values a solution that is acceptable to you?(Please refer to Annex 05 - Details on Recommendation #5: Changing Aspects Of ICANN's Mission, Commitments And Core Values for more information)**

Yes, I support this recommendation.

**Comment**

Google agrees that ICANN bylaws should include a prohibition limiting ICANN's ability to "regulat[e] services that use the Internet's unique identifiers, or the content that they carry or provide." Explicitly recognizing that ICANN lacks authority to regulate content, among other limitations, helps ensure that the IANA stewardship "maintain[s] the openness of the Internet." This proposed change also reinforces ICANN's commitment to fundamental human rights, including freedom of expression and access to information. At the same time, Google recognizes that ICANN must have the power to enter into contracts with registries and registrars, and we support commonsense language stating that "ICANN shall have the ability to negotiate, enter into and enforce agreements with contracted parties in service of its Mission." However, this language must be understood in the context of ICANN's limited remit: while it recognizes that concluding and enforcing contracts does not per se run afoul of ICANN's mission, particular interpretations of the contract or enforcement actions may still be challenged as contrary to ICANN's mission and bylaws. Recent e-mails exchanged on the CCWG-Accountability list reflect this understanding, but it should be memorialized and clarified in the final proposal.

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**PAGE 8: Recommendation 6**

**Q9: Is reaffirming ICANN's commitment to respect internationally recognized human rights as it carries out its Mission a solution that is acceptable to you?(Please refer to Annex 06 - Recommendation #6: Reaffirming ICANN's Commitment to Respect Internationally Recognized Human Rights as it Carries Out Its Mission for more information)**

Yes, I support this recommendation.

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**PAGE 9: Recommendation 7**

**Q10: Is strengthening ICANN's Independent Review Process a solution that is acceptable to you?(Please refer to Annex 07: Recommendation 7: Strengthening ICANN's Independent Review Process for more information)**

Yes, I support this recommendation.

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**PAGE 10: Recommendation 8**

**Q11: Is fortifying ICANN's request for reconsideration process a solution that is acceptable to you?(Please refer to Annex 08 - Recommendation #8: Improving ICANN's Request For Reconsideration Process for more information)**

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Yes, I support this recommendation.

PAGE 11: Recommendation 9

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**Q12: Is incorporation of the Affirmation of Commitments a solution that is acceptable to you?(Please refer to Annex 09 - Recommendation #9: Incorporation of the Affirmation of Commitments for more information)**

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Yes, I support this recommendation.

PAGE 12: Recommendation 10

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**Q13: Is enhancing the accountability of Supporting Organizations and Advisory Committees a solution that is acceptable to you?(Please refer to Annex 10 - Recommendation #10: Enhancing the Accountability of Supporting Organizations and Advisory Committees for more information)**

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Yes, I support this recommendation.

PAGE 13: Recommendation 11

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**Q14: Is Board obligations regarding GAC Advice (Stress Test 18) a solution that is acceptable to you?(Please refer to Annex 11 - Recommendation #11: Board obligations regarding GAC Advice)**

Comment

In transitioning the stewardship of the IANA functions to the global multistakeholder community, NTIA will fulfill a long standing commitment to “allow the private sector to take leadership for DNS management.” Given this context, Google is very concerned that the proposal’s recommendation to amend the bylaws addressing the role of GAC advice will disproportionately empower governments at the expense of other stakeholders. Today, the ICANN Board must inform the GAC if it decides to take an action that is not consistent with the GAC advice. Upon such a determination, the GAC and the Board then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution. The proposed amendment would limit the ability of the Board to reject advice by a full GAC consensus, allowing such rejection only when two thirds of Board members agree. While Google understands that this rule may merely codify the ICANN Board’s informal practice, the proposal and the significant negotiations that led to it send the wrong message: they create the perception that governmental stakeholders have the power to override and a potential interest in overriding community-driven decisionmaking. This is problematic for two reasons. First, ICANN should continue to operate as a private-sector-led, consensus-driven organization. Second, accountability improvements should provide incentives for governments to get involved earlier in the policy development process, rather than encouraging their representatives to sit apart from the rest of the community and issue advice long after the rest of the community has engaged with one another. If the CCWG retains this proposal, it should ensure that only unambiguous, clearly worded advice, provided in writing with an accompanying explanation, and agreed upon by a full consensus of the GAC without formal objection, would enjoy this deferential treatment. Moreover, any action taken in response to GAC advice must be consistent with ICANN’s mission and bylaws.

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PAGE 14: Recommendation 12

**Q15: Is committing to further accountability work in Work Stream 2 a solution that is acceptable to you? (Please refer to Annex 12 - Recommendation #12: Committing to further accountability work in Work Stream 2)**

Yes, I support this recommendation.

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PAGE 15: Additional Information

**Q16: Please submit comments you have in addition to the information provided above, including on NTIA criteria, CWG-Stewardship requirements and Stress Tests.**

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*Respondent skipped this question*