

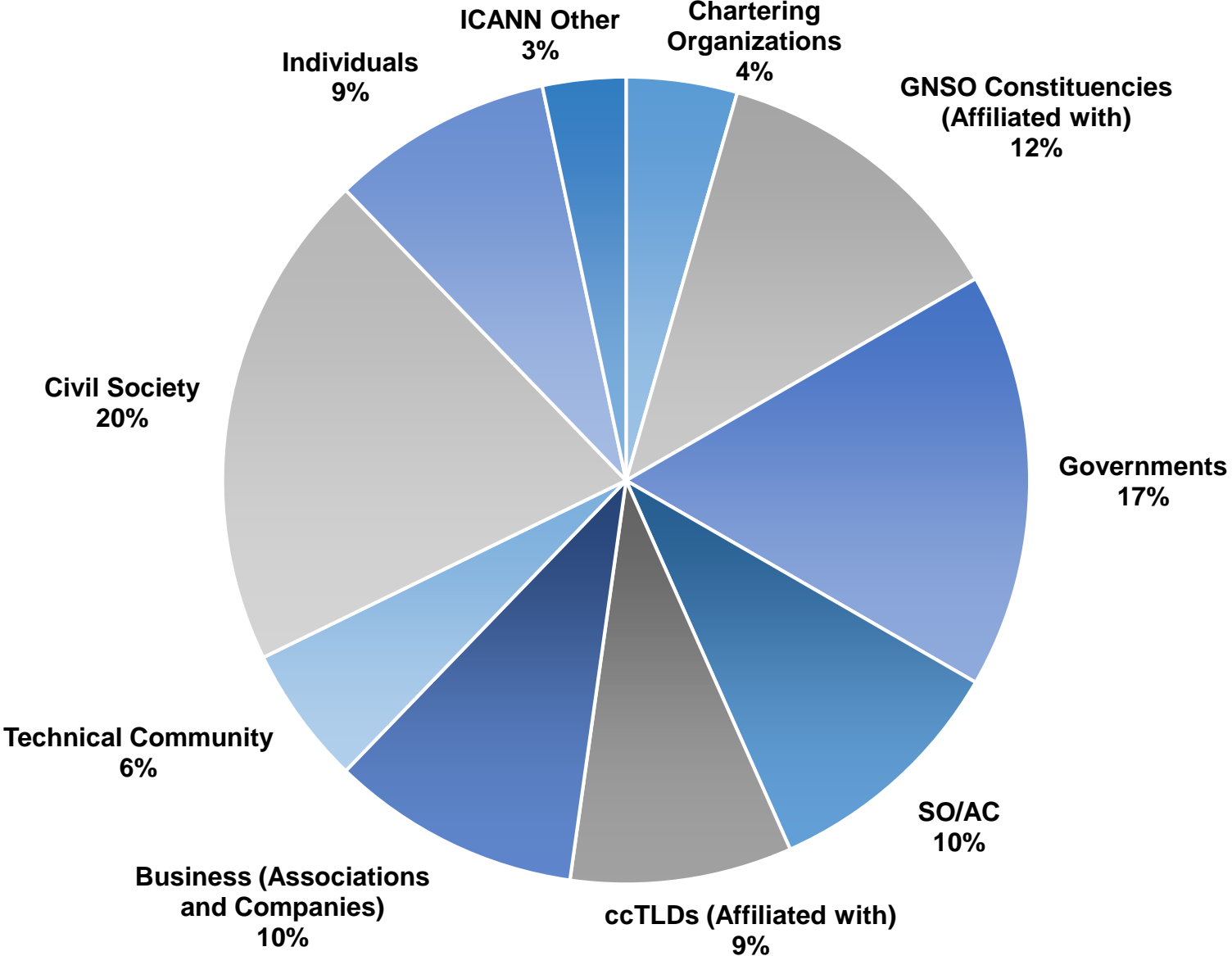
Draft Compilation of Major Trends in the Third CCWG-Accountability Public Consultation

21 December 2015

Comments by Region



Comments by Type of Entity (Total 90 comments received)



Explanation

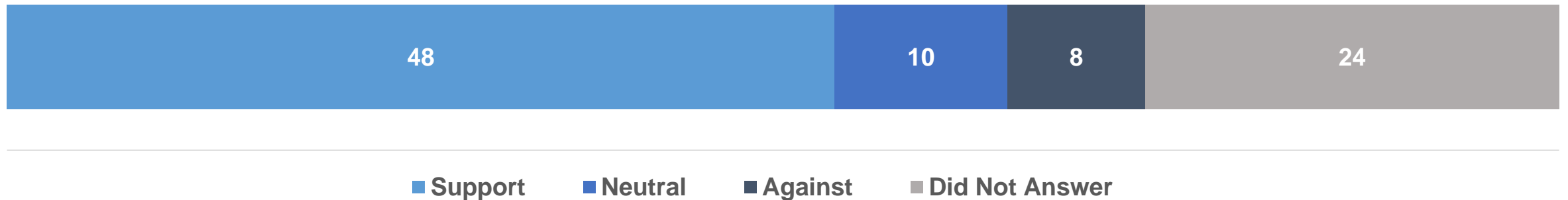
- The categories used are based on those identified during the CCWG-Accountability 2nd Public Comment Period to ensure consistency of data reporting over time.

Methodology

- Commenters were asked to identify their affiliation or whom they were responding on behalf of during submission.
- In cases where the comments were not submitted through the Survey Monkey platform, the commenter either identified themselves and group they were affiliated with or provided no information and a determination was made as to what category the commenter appeared to be best suited for the report.
- “Affiliated with” was added to GNSO and ccTLD sections to minimize confusion about community designated representation.

Recommendation #1: Establishing an Empowered Community for Enforcing Community Powers

A majority of the respondents who provided comments on this recommendation supported its adoption.

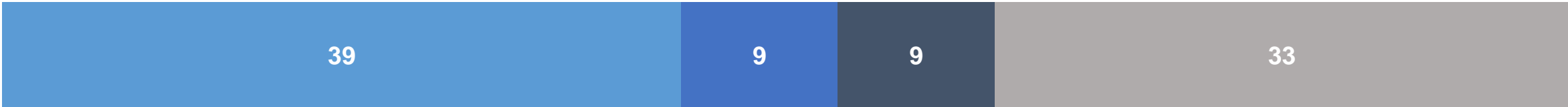


The issues raised included:

- Participation of Advisory Committees in the Empowered Community
- Participation by participants who are not represented in ICANN in the Empowered Community
- Inspection rights

Recommendation #2: Empowering the Community through Consensus: Engage, Escalate, Enforce

A majority of the respondents who provided comments on this recommendation supported its adoption.



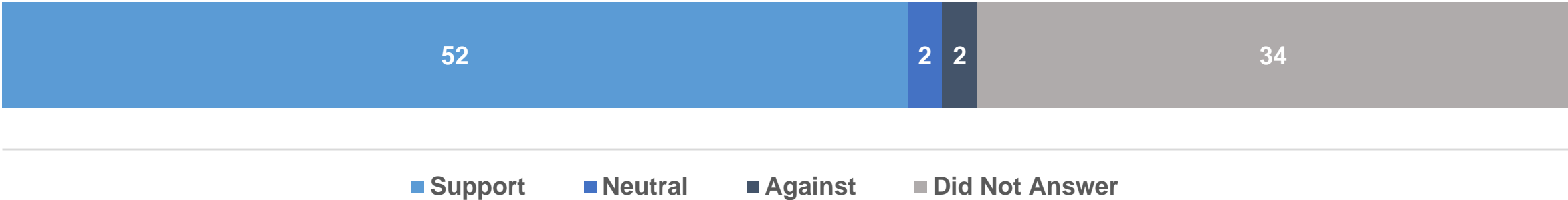
■ Support ■ Neutral ■ Against ■ Did Not Answer

The issues raised included:

- Timelines for the escalation process are too short
- Thresholds for using Community Powers, especially for removing the Board
- Need to explicitly define future thresholds if, at any time, there is a change in the number of participants in the Empowered Community
- Clearly define the concepts of an extensive engagement process by the Board and the notion of resolution in the escalation process

Recommendation #3: Redefining ICANN's Bylaws as 'Standard Bylaws' and 'Fundamental Bylaws'

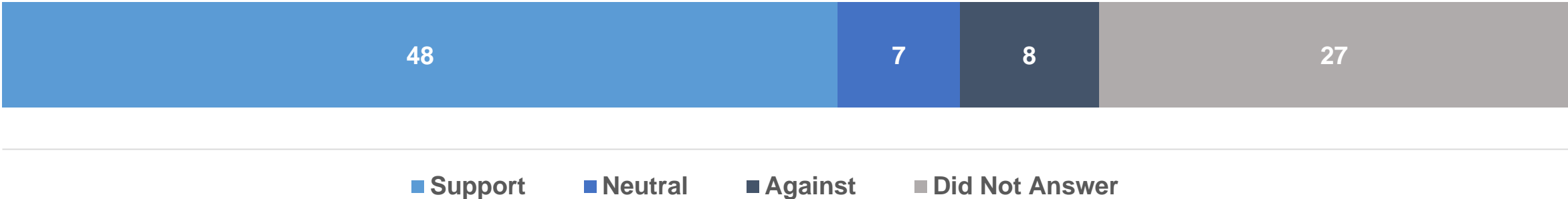
A majority of the respondents who provided comments on this recommendation supported its adoption.



No significant issues were raised.

Recommendation #4: Ensuring Community Involvement in ICANN Decision-Making: Seven New Community Powers

A majority of the respondents who provided comments on this recommendation supported its adoption.



The issues raised have been categorized by Community Power on the next slides.

Recommendation #4: Ensuring Community Involvement in ICANN Decision-Making: Seven New Community Powers (cont.)

The Power to Reject ICANN's Budget or Strategic/Operating Plans

- Rejection of the IANA/PTI budget should only be allowed if the three operational communities agreed
- Budget rejections should be a Standard Bylaw, not Fundamental Bylaw

The Power to Remove Individual ICANN Board Directors

- Concerns that representatives of the Empowered Community could incur liability for removing a Director
- Request for an expanded escalation process as well as the need for a clear rationale for removing a Director

Recommendation #4: Ensuring Community Involvement in ICANN Decision-Making: Seven New Community Powers (cont.)

The Power to Recall the Entire ICANN Board

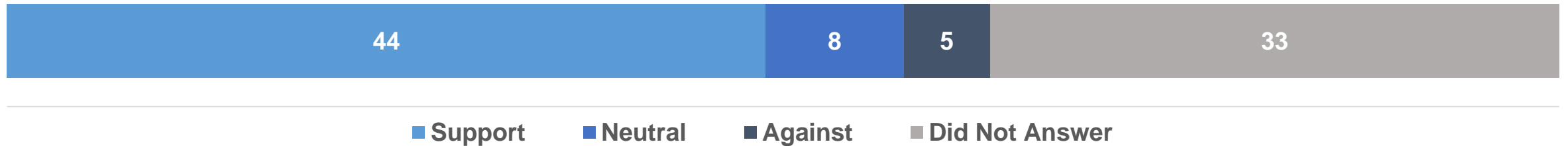
- Concerns that representatives of the Empowered Community could incur liability for recalling the entire Board
- A clear rationale should be provided for removing the Board and add independence of replacement Directors as a part of the selection requirements

The Power to initiate a binding Independent Review Process

- The oversight of not excluding the Protocols and Parameters in the IRP should be corrected
- Concerns about the community bringing challenges against other parts of the community

Recommendation #5: Changing Aspects of ICANN's Mission, Commitments and Core Values

A majority of the respondents who provided comments on this recommendation supported its adoption.



The issues raised included:

- Consumer trust and choice language is not included
- The language on regulation is still unclear and the drafting instructions given to the lawyers would not allow them to produce the desired results
- The recommended text is leaving out key components of ICANN's mission and is overly vague, especially with respect to contract enforcement
- The proposed modifications could have important unintended consequences
- How will ICANN define "Global Public Interest"

Recommendation #6: Reaffirming ICANN's Commitment to Respect Internationally Recognized Human Rights as it Carries out its Mission

A majority of the respondents who provided comments on this recommendation supported its adoption.

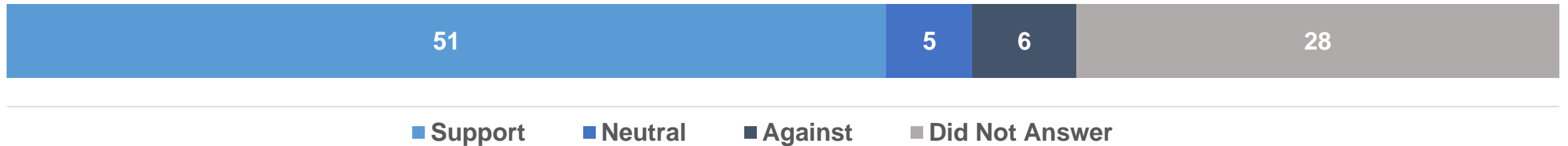


The issues raised included:

- Inclusion of human rights language into the Bylaws should be delayed until the proposed Framework of Interpretation is completed, or even only be considered in Work Stream 2
- Human rights statements do not belong in the ICANN Bylaws

Recommendation #7: Strengthening ICANN's Independent Review Process

A majority of the respondents who provided comments on this recommendation supported its adoption.

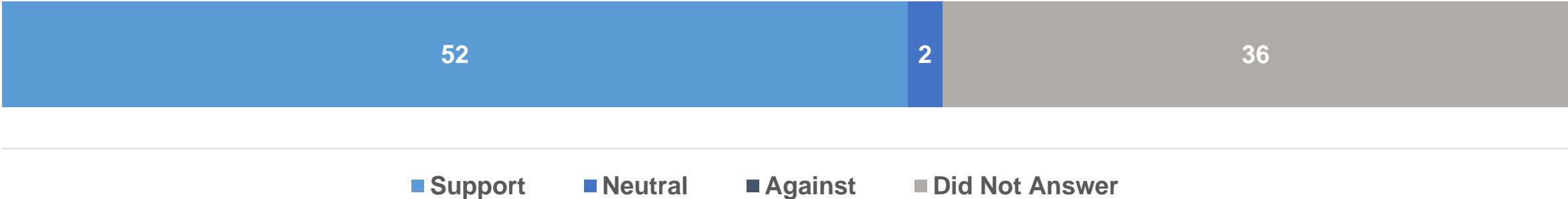


The issues raised included:

- The oversight of not excluding the Protocols and Parameters in the IRP should be corrected
- Do not add specific grounds for DIDP requests in the IRP
- Do not add specific grounds for expert panel decisions in the IRP
- Define how conflicting IRP decisions would be resolved
- The need to include IANA/PTI (CWG Stewardship condition)
- Recommendations including adding a pro bono program, all costs for requests by SO/ACs be borne by ICANN, ensure multi-lingual support, collaborative training of panelists and transparency in all aspects of IRP

Recommendation #8: Improving ICANN's Request for Reconsideration Process

A majority of the respondents who provided comments on this recommendation supported its adoption.



The issues raised included:

- Include PTI and completely remove ICANN legal from the Reconsideration Process
- Request for clarification on exclusions of disputes related to Internet number resources

Recommendation #9: Incorporating the Affirmation of Commitments in ICANN's Bylaws

A majority of the respondents who provided comments on this recommendation supported its adoption.



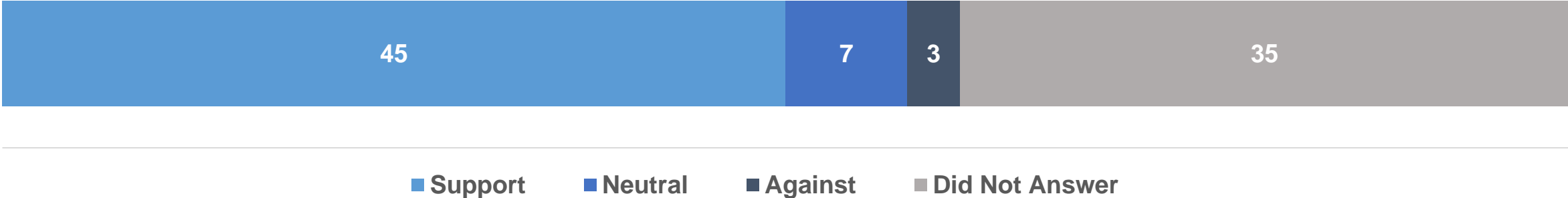
■ Support ■ Neutral ■ Against ■ Did Not Answer

The issues raised included:

- Reviews, with the exception of the ATRT, should be defined by the community instead of the AoC provisions
- Transparency is considered essential and efforts to implement ATRT conclusions are strongly encouraged
- WHOIS reviews, as per the current initiatives within ICANN, that are designed to update, correct and amend existing WHOIS policy and practice should not be enshrined in the Bylaws

Recommendation #10: Enhancing the Accountability of Supporting Organizations and Advisory Committees

A majority of the respondents who provided comments on this recommendation supported its adoption.



The issues raised included:

- The GAC should be subject to the same accountability standards as other SO/ACs
- Independent reviews should be done at the request of a majority of the SO/ACs and any recommended changes should only occur with the approval of the SO/ACs acting through the Empowered Community

Recommendation #11: Board Obligations with regards to Governmental Advisory Committee Advice (Stress Test 18)

A majority of the respondents who provided comments on this recommendation supported its adoption.

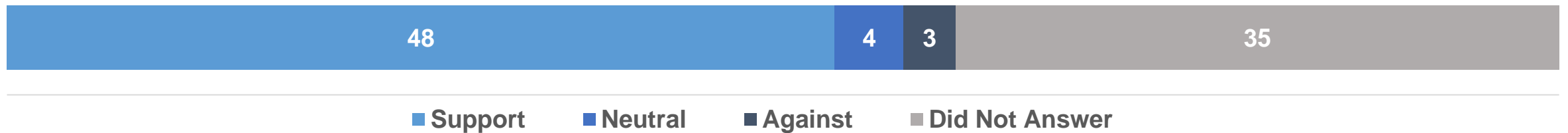


The issues raised included:

- GAC advice must be approved by general agreement in the absence of formal objection and the definition of objection/consensus cannot be changed
- Rejection of the recommendation that at least 2/3 of the Board is required to reject GAC consensus advice to the Board
- All GAC advice to the ICANN Board should be clear and supported by a rationale
- No need to change how the GAC currently operates
- Clarification of the recommendation regarding the status of GAC advice if the ICANN Board does not vote on the advice

Recommendation #12: Committing to Further Accountability Work in Work Stream 2

A majority of the respondents who provided comments on this recommendation supported its adoption.



The issues raised included:

- Requests for improvements to transparency
- Improved definition of requirements and commitments
- The ICANN Board should not be allowed to impede Work Stream 2
- Improvements to diversity
- Continued use of external counsel for Work Stream 2 discussions
- The jurisdiction of incorporation of ICANN be considered in Work Stream 2
- The jurisdiction of incorporation of ICANN not be considered in Work Stream 2
- Various considerations with respect to human rights