

GNSO gTLD Registries Stakeholder Group Statement

Issue: ICANN Draft Five-Year Operating Plan

Date: January 5, 2015

Ref: <https://www.icann.org/public-comments/proposed-opplan-budget-2016-2020-2014-11-11-en>

The gTLD Registries Stakeholder Group (RySG) would like to thank ICANN for their extensive efforts in developing the Draft Five-Year Operating Plan. It is clear that significant effort and time were spent creating this plan.

Our comments are organized as follows:

- General comments that apply to multiple areas of the plan
- Comments relating to a specific area of the plan; these are provided in chronological order according to the plan.

General Comments

Many of Key Performance Indicators (KPIs), i.e., metrics, are simply numbers. For example, for Strategic Goal 1.2 on page 11, the metric is “# of regional engagement strategies by type and status (e.g., development, implementation and maintenance)”. In our opinion, numbers in isolation are not very informative and can be very misleading. This type of metric occurs repeatedly for many of the goals. We recommend that they be qualified further to include more context and clarity. Similarly, there are several metrics that are percents; without some context or comparison to other factors, percents may not be very helpful by themselves. We think such metrics need further definition. In short, “Key Performance Indicators” should include meaningful qualitative measures so that the community can see not only what ICANN does, but also gauge its efficiency and effectiveness.

Some descriptions in the plan refer to programs, processes, etc. that in our view are not commonly known. When in doubt, such programs should be explained in a footnote or some other manner. We cite specific examples in the detailed comments that follow.

In various places throughout the plan, there are references to achieving ‘community approval’ and ‘collaborate with community’. We strongly support those references. (See the Phasing for FY16 for Strategic Goal 2.1 on page 14 as well as FY19 and FY20 Phasing on page 15.) In particular we think that it would be a good idea to collaborate with the community and ‘achieve community approval’ on all metrics.

Strategic Objective 1

Strategic Goal 1.1 (p.10)

The first metric is: “Stakeholder engagement index (e.g., regional/national participation statistics from attendance at ICANN meetings; participation in working groups and initiatives...)”. We believe geographic diversity is equally important in working groups participation so would suggest this metric be amended to read: “Stakeholder engagement index (e.g., regional/national participation statistics from attendance at ICANN meetings and in working groups and initiatives...)”.

The second metric is: “% of ICANN organizational functions performed across ICANN”. This metric seems to assume that all ICANN organizational functions should be performed across all ICANN organizations and regions. That does not seem like a reasonable assumption. We do not believe that that is a fair assumption and hence suggest that this metric be reworded with more clarity and specificity.

Strategic Goal 1.3 (p.12)

Item 4 for FY16 Phasing says, “Evolve Generic Names Supporting Organization (GNSO) Secretariat Pilot program into permanent support status.” What is the ‘Secretariat Pilot program’?

Item 3 for FY17 Phasing says, “Conduct final SO-AC Special request process.” Is this referring to the special budget request process that has been happening for the past few years? If so, why is it the final one? If not, to what does this refer?

Item 1 for the FY18 and the FY19 Phasing refer to implementation and assessment of ATRT3 recommendations. What about implementation and assessment of any ATRT1 and ATRT2 recommendations that may not have been completed at that time? We would like to think that there would not be any, but to our knowledge at the present time, well after the completion of ATRT2, there are still ATRT1 recommendations that have not been implemented.

Strategic Objective 2

Strategic Goal 2.1 (pp.14-15)

Portfolio 4 is Advice Registry Management. What is the Advice Registry?

Strategic Goal 2.2 (p.16)

The metric for this goal is: “% of registered domain names to internet users regionally and globally”. % of registered domain names by region doesn’t seem very meaningful without some context such as the relative population of the various regions. Trending of domain name registrations relative to population over time might be a good metric here. What does “% of registered domain names to internet users globally” mean?

For FY17 through FY 20 Phasing, there is mention of publishing white papers. Are these staff produced white papers? Community produced white papers?

Strategic Goal 2.3 (p.17)

In our opinion, the two proposed metrics are neither appropriate nor adequate for this important goal (support the evolution of domain name marketplace to be robust, stable and trusted), which involves 11 large portfolios.

The first metric reads “# of contractual compliance complaints to ICANN and # of abuse incidents compared to the # of Registrants”. It’s known that not all “contractual compliance complaints to ICANN” are valid and “abuse incidents” often involve content related or other issues that are not within ICANN’s remit. In other words, these numbers are not reliable indicators of the health of the unique identifier ecosystem.

We commend ICANN for including the second metric (% of GDD Service Level Agreement (SLA) target met). However, there seem to be no specific metrics for the following two portfolios:

5. Contractual Compliance Improvements
6. Contractual Compliance Initiatives

We note ICANN's Draft Five-Year Strategic Plan (FY16-FY20) included "Regular measurement of stakeholders' confidence in the compliance function" and "Regular measurement of compliance function performance" as proposed measures but it appears that no metric is being proposed in the Draft Five-Year Operating Plan. As stated in our previous comments on ICANN's Draft Five-Year Strategic Plan, we again urge ICANN to:

- Develop and publish a code of conduct (modelled on best practices of comparable regulators) and performance targets for ICANN's Contractual Compliance function; and
- Fund a body (independent of ICANN) to ensure compliance of ICANN's obligations to the contracted parties and conduct annual audits on compliance and GDD operations.

Item 2 for the Phasing for FY17 – FY 20 say: "Show stable healthy YoY growth in the DN industry". This sounds good but it is not clear what it means. A lot more definition is need for this to be meaningful and measurable.

Strategic Objective 3

Goal 3.1 (p.18)

We very much commend the budget process improvements in the Phasing for FY16 and the review of those in FY17.

Strategic Objective 4 (pp. 23-26)

This objective is titled, "Promote ICANN's role and multistakeholder approach". But most of the objectives seem to be government related. We certainly recognize that governments and IGOs are important in the multistakeholder approach and we understand the challenges of getting governments to fully participate in multistakeholder processes, but they are just of part of the community. Should this goal be renamed "Promote the role of governments and IGOs in the multistakeholder approach"? If so, what about ICANN's role and the multistakeholder approach with regard to other stakeholders? It would be unfortunate to become so government focused that we sacrifice some of the value of the multistakeholder approach.

Strategic Objective 5

Strategic Goal 5.1 (p.27)

The metric for this goal says: "# of ICANN decisions and advice (Board, staff and stakeholders) that are rationalized based on common consensus based definition of public interest". We are not confident that there will ever be a 'common consensus based definition of public interest' because the 'public' is extremely diverse with very different interests depending on a multitude of factors. If we are correct, it may be difficult, if not impossible, to ever achieve this metric. Maybe it should be based on something other than a 'common consensus based definition of public interest'.

Five-Year Financial Model

We strongly support the Principles on page 33 but would add one more: cost control stewardship.

The comments above were posted to the RySG list for feedback and comments and the edits received were included. A support vote was not taken because the comments were finalized very late in the comment period. No objections were communicated regarding the comments. The positions were arrived at through email list discussion.