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Etienne Sanz de Acedo
Chief Executive Officer

Submitted to: comments-accountability-diversity-26oct17@icann.org

January 12, 2018

Patrick Dodson
Senior Manager, Strategic Initiatives
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Re: CCWG-Accountability Work Stream 2 (WS2) - Draft Recommendations to Improve ICANN's Diversity

Dear Mr. Dodson:

The International Trademark Association (INTA) is pleased to submit the following comments regarding the Cross Community Working Group on Accountability's (CCWG-Accountability WS2) Draft Recommendations to Improve ICANN's Diversity ("Draft Recommendations" or "Draft Diversity Report") dated October 2017 and posted for public comment. INTA appreciates the work done by the sub-group and acknowledges the complexity of the issues involved.

INTA's interest in diversity is inherent in its role as a global association of brand owners and professionals dedicated to supporting trademarks and related intellectual property (IP) to foster consumer trust, economic growth, and innovation. The security of the Internet relies on adequate IP protection to promote trust and mitigate harm to innovators and consumers of goods and services provided through technological means. Our mission relies on a fully functioning ICANN multistakeholder community in which these recommendations are needed to achieve. With that mind, INTA has reviewed the Draft Diversity Report with a view to ensuring that the CCWG-Accountability WS2's recommendations are consistent with improving ICANN's diversity.

INTA generally supports the recommendations as proposed in the Draft Diversity Report. However, we do have some concerns around some of the issues relating to defining diversity as presented in bullet points in the Draft Diversity Report. We are pleased to contribute the following thoughts and recommendations.

1. Defining Diversity

a. Recommendation 1

INTA supports the CCWG-Accountability WS2's recommendation that diversity should be defined using key elements employed as a common starting point for all diversity considerations within ICANN. (*See* Draft Diversity Report at page 4.) Currently, the 7 key elements as identified in the Draft Diversity Report are: 1) Geographic/regional representation, 2) language, 3) gender, 4) age, 5) Physical Disability, 6) Diverse Skills, and 7) Stakeholder group or constituency.

While INTA supports with the concept of identifying key elements, the elements themselves appear to exclude certain factors that should be considered. Specifically, INTA notes the exclusion of ethnicity, race/national origin, minorities (as applied to a particular geographic area or region) and underrepresented groups. For example, there may be certain people in a country, e.g. New Zealand, who are considered underrepresented in that country based on their race or ethnicity. However, under the factors as set forth in the Draft Diversity Report, such person would not be considered as "diverse" under the definition of diversity as they would not fit within the 7 enumerated categories.

b. Recommendation 2

INTA generally agrees that each SO/AC/group should identify which elements of diversity are mandated in their Charters or ICANN Bylaws and any other elements that are relevant and applicable to each of its levels including leadership ("Diversity Criteria") and publish the results of the exercise on the official websites. INTA believes this will lead to further transparency in diversity efforts and may alert the ICANN community to issues of diversity within the overall structure.

2. Measuring and Promoting Diversity

a. Recommendation 3

INTA generally agrees that each SO/AC/group, supported by ICANN staff, should undertake an initial assessment of their diversity for all of their structures including leadership based on their Diversity Criteria and publish the results on their official website. However, if the SO/AC/group does not have their own Diversity Criteria, INTA would recommend that the SO/AC/group use the Diversity criteria as set forth in the Draft Diversity Report as an initial guideline for such inquiry.

b. Recommendation 4

INTA generally agrees that each SO/AC/group should use the information from their initial assessment to define and publish on their official website their Diversity Criteria objectives and strategies for achieving these, as well as a timeline for doing so.

c. Recommendation 5

INTA generally agrees that each SO/AC/group, supported by ICANN staff, should undertake an annual update of their diversity assessment against their Diversity Criteria and objectives at all levels including leadership. Such results should be published on the official website and should be used to review and update objectives, strategies and timelines.

3. Supporting Diversity

a. Recommendation 6

INTA generally agrees that ICANN staff should provide support and tools for the SO/AC/groups to assist them in assessing their diversity in an appropriate manner. INTA also agrees that ICANN should identify staff or community resources that can assist the SO/ACs or other components of the community with diversity related activities and strategies.
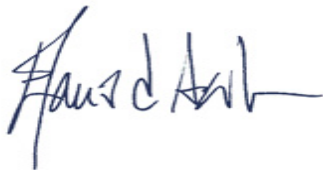
b. Recommendation 7

INTA generally agrees that ICANN staff should develop and publish a process for dealing with diversity related complaints and issues. However, given privacy issues and possible concerns for individuals in particular jurisdictions, INTA does not take a position regarding the specifics of this program.

c. Recommendation 8

Although INTA believes that it is appropriate and indeed desirable for ICANN to capture, analyze and communicated diversity information to later be provided through ICANN's website, Annual Diversity Reports and in other manners, INTA does not take a position regarding the specifics of this program provided it is done at regular intervals and the results published periodically

Should you have any questions about our comments, I invite you to contact Lori Schulman, INTA's Senior Director of Internet Policy at 202-261-6588 or at lschulman@inta.org.

Sincerely,

Etienne Sanz de Acedo
Chief Executive Officer

About INTA and the Internet Committee

Founded in 1848, INTA is a global not-for-profit association with more than 5,700 member organizations from over 190 countries. One of INTA's goals is the promotion and protection of trademarks as a primary means for consumers to make informed choices regarding the products and services they purchase. During the last two decades, INTA has also been the leading voice of trademark owners within the Internet community, serving as a founding member of the Intellectual Property Constituency of the Internet Corporation for Assigned Names and Numbers (ICANN). INTA's Internet Committee is a group of over 150 trademark owners and professionals from around the world charged with evaluating treaties, laws, regulations and procedures relating to domain name assignment, use of trademarks on the Internet, and unfair competition on the Internet, whose mission is to advance the balanced protection of trademarks on the Internet.

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