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Submitted to: comments-ccwg-acct-draft-recs-21feb17-en@icann.org

May 21, 2017

Patrick Dodson
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Re: Cross Community Working Group on Accountability Work Stream 2
Draft Recommendations to Improve SO/AC Accountability

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 SO/AC Accountability ("Draft Recommendations" or "Draft Report") dated March 29, 2017 and posted for public comment on April 14, 2017. INTA appreciates the work done by the CCWG-Accountability WS2's participants and acknowledges the complexities of the issues considered. INTA's responses to the recommendations are provided below.

1. Best Practices for SO/AC Accountability

INTA supports creating a list of "best practices" for SO/AC accountability, transparency, participation, outreach, policy and procedure and having future Accountability and Transparency Review Teams (ATRTs) examine the extent to which SOs/ACs have implemented them. It is INTA's view that these "best practices" need not be mandatory and should not be made part of ICANN's bylaws at this time.

2. Mutual Accountability Roundtable

INTA supports the idea of holding a "Mutual Accountability Roundtable," comprising the ICANN Board, CEO and SO/AC chairs to discuss key issues of concern and how their constituencies address the issues. We support having ICANN staff coordinate a roundtable at each ICANN Annual General Meeting if a majority of the SO/AC chairs agree to meet. It is INTA's view that the Mutual Accountability Roundtable need not be made mandatory at this time.

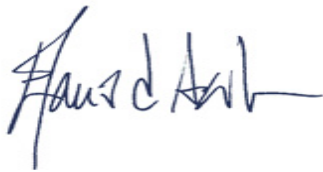
As described above, INTA supports instituting the Best Practices and Mutual Accountability Roundtable. However, the issue of whether either should be mandatory or require by-law revisions should be considered over the course of time. This would allow the community to evaluate their effectiveness before making permanent, mandatory changes.

3. Independent Review Process

INTA does not agree with the Draft Report's conclusion that the Independent Review Process (IRP) should not be applied to SO/AC activities. The working group has adopted this position based on the rationale that the IRP process is complex and expensive. They note that there are easier alternative ways to challenge an AC or SO action or inaction such as engagement with the Ombudsman. INTA respectfully disagrees with this conclusion. There may be some circumstances where it may be appropriate to apply the IRP to SO/AC accountability actions or inactions. This is based on the concern that the Ombudsman may not be an effective mechanism to hold SO/ACs to account, as the Ombudsman is employed by ICANN and therefore, could be subject to influence by ICANN staff and the ICANN Board. Independent review should be available to aggrieved parties who could then determine whether the alleged grievance and possible remedies merit the investment of resources demanded by an IRP.

INTA welcomes the opportunity to engage in the W2 accountability process. Should you have any questions about our submission, I invite you to contact Lori Schulman, INTA's Senior Director of Internet Policy at 202-261-6588 or at lschulman@inta.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Etienne Sanz de Acedo". The signature is fluid and cursive, with a long horizontal stroke at the end.

Etienne Sanz de Acedo
Chief Executive Officer

About INTA

INTA is a 139-year-old global, not-for-profit association with more than 7,000 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 decade, 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 200 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.