



July 24, 2015

Via Electronic Mail

comments-gnso-review-01jun15@icann.org

Re: Public Comment on Draft Report on the Review of Generic Names Supporting Organization (GNSO) by Google Inc.

Google welcomes the opportunity to comment on the [Draft Report on the Review of the Generic Names Supporting Organization \(GNSO\)](#). We appreciate the hard work put into this initial review by Westlake. A number of suggestions made in the draft report would improve the functioning of the GNSO's existing policy development process. Specifically, we support the following:

- Recommendations 5, 32, 33, and 34, which if adopted would improve the diversity of working groups and their openness to newcomers so that the policy development process is more reflective of all stakeholders.
- Recommendations 10, 14, 15, 16, 17, 18, 29, 30, and 31, which if adopted would add greater accountability to the policy development process, increase metrics-driven policy decisions, and increase the efficacy of the process by leveraging the services of professional moderators, especially in circumstances where working group members may be conflicted. Additionally, we believe it is crucial that the GAC be involved earlier in the process.
- Recommendations 24, 26, and 27, which if adopted would improve the transparency of the policy development process and promote greater confidence in the validity of adopted policies.
- Recommendation 20 to align the GNSO's policy development work with ICANN's strategic objectives. As we note below, improved prioritization by the GNSO Council is important to making the best use of community volunteers.

However, in addition to the recommendations made in the draft report, we believe there are a number of further improvements that should be made to the GNSO and its policy development process. Our recommendations, described below, fall into two general areas: improving the use of data in the GNSO's policy development process, and improving the prioritization of ongoing policy development efforts by the GNSO Council.

Importantly, while many of the report's recommendations focus on improving participation, previous efforts¹ to accomplish the same goal suggest that these initiatives will have a limited impact on the policy development process, which remains largely reflective of the interests and opinions of a relatively small number of highly motivated participants. We believe that the related goals of improving consideration for a broader range of viewpoints and limiting the burden on volunteers would be better served by simply ensuring that the policy development process is better informed by data and focusing the GNSO's work on the most critical issues facing the community.

Making Better Use of Data in the Policy Development Process

We believe that the policy development process would be more effective if it were better informed by data. Working groups often rely on anecdotes or the individual experiences of participants, and operate without access to objective data on critical topics. At the same time, in the rare instances where data is gathered in support of the GNSO's policy development agenda, the process and reliance on third-party data collection and analysis results in long timeframes, complex Requests for Proposals, and data that is often not directly applicable to the specific topics under consideration.

In particular, working groups often lack meaningful data about end-user experiences or expectations. Although both the ALAC and the GNSO's open working group structure allow for participation by individual users, by themselves these contributions cannot meaningfully reflect the broad range of user experiences from across the global Internet. By supplementing individual contributions with data such as user surveys, focus groups conducted in a variety of locales, or diligent research on how users globally interact with the Internet, the policy development process would be better informed with an understanding of the likely effect of policies not only on the types of organizations typically involved in ICANN policy development, but by the broad base of users of the Internet as well.

In order to allow working groups to make better use of data in the policy development process, we make the following specific suggestions:

- Issue reports should include a survey of existing data sources that the working group may find relevant to its considerations.
- Issue reports should identify areas where additional data would usefully inform discussion related to the topic, but where existing sources are inadequate and new data collection and analysis would be helpful.
- Wherever possible, the GNSO Council should direct that any needed initial data gathering should occur in parallel to the chartering process so that it is available at the start of the working group's deliberations rather than delaying the policy development process.

¹ For example, ATRT1 Recommendation 18 on multilingual participation in the PDP, [which has been deemed "unsuccessful"](#), as well as Recommendations 15-17, which were deemed "complete, but not effective" or "complete but with qualified success."

- ICANN should create or identify staff positions focused on either providing relevant data to the GNSO, establishing ongoing relationships with third-party organizations that could rapidly satisfy data requests by the GNSO, or both.
- ICANN should develop tools and procedures to perform analysis of existing data available to it² from contracted parties or through its existing operations. It is critical, however, that such processes adequately protect Internet users' privacy through appropriate use of techniques such as aggregation and anonymization.

Improving Prioritization of Work within the GNSO

While the draft report makes a number of useful suggestions to improve and broaden participation in the GNSO's efforts, we believe it is equally important to ensure that the GNSO focuses its efforts to ensure that volunteer participants' time is well spent and relevant to the most important issues in the generic name space.

Discussions about "volunteer burnout" usually focus on broadening participation or changing the sequence of work, but in many cases the best solution may be simply to reduce the amount of work undertaken by the GNSO and its community participants. Working groups and other efforts that suffer from low participation may be nothing more than a reflection that the broader community does not see sufficient value in the work. We believe that the ICANN Board and GNSO Council should be more deliberate in the creation of new work efforts and more willing to quickly terminate work that lacks sufficient community participation to be effective. Specifically, we recommend:

- Working group chairs should be expected to continuously evaluate the level of participation and to promptly report to the GNSO Council if there is insufficient support from community volunteers to effectively advance the group's work. Similarly, chairs should identify and report on situations in which the working group is unlikely to be able to come to consensus.
- The GNSO should develop a procedure to terminate or defer work that has been identified as lacking sufficient community engagement or unlikely to achieve consensus.
- ICANN should consider amending its bylaws to raise the thresholds under which a policy development process can be initiated by, for example, requiring some level of GNSO Council support for Board-initiated policy development processes or more generally raising the voting thresholds within the GNSO to approve a new policy development process.

Conclusion

Although the draft report contains a number of potentially useful suggestions to improve participation in and effectiveness of the GNSO's policy development efforts, we believe that there needs to be a stronger focus on data-driven decision-making within working groups and a

² Examples include monthly registrar reports, root server query data, bulk registration data, and dispute resolution proceedings.

stronger commitment to prioritize issues by the GNSO Council. These two overarching recommendations should allow for better policy outcomes while simultaneously reducing the burden on volunteers.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Hudson". The signature is fluid and cursive, with a large initial "W" and a long horizontal stroke extending to the right.

Will Hudson
Senior Advisor for International Policy, Google Inc.