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| **Issue** | **Applicable text (please quote directly)** | **Number and name of applicable report section** | **Cannot live with rationale** | **Proposed changes (taking into account whether others would be able to live with them)** |
|  | 1. **Possible Policy Level - New Proposals that May Have Policy Implication**   E. Description: These are new mechanisms that may be considered to be within the remit of policy development. Examples include:   * + - The development of a new contract specification (e.g., public interest commitments);     - Creation of new exemptions to the Code of Conduct. | p. 8 | I don’t recognize this example: The development of a new contract specification (e.g., public interest commitments);  I thought the example we had used of a clear policy issue throughout our discussions was an intellectual property change | Replace:   * + - The development of a new contract specification (e.g., public interest commitments);   With:   * + - The development of changes to the rights protections mechanisms which protect trademark owners in the new gTLD process); |
|  | * + 1. The ICANN Bylaws make clear that it must apply policies consistently, neutrally, objectively and fairly, without singling any party out for discriminatory treatment; which would require transparent fairness in its dispute resolution processes. Members of the SPIRT should accordingly disclose in their Statements of Participation (Chapter 6 of the GNSO Operating Procedures on Statements of Interest is relevant) any financial interests and, possibly, incentives as they pertain to a specific complaint or issue under review. The term “Conflict of Interest” will not pertain to the actions of SPIRT members, but that does not imply that there may not be circumstances whereby a member might feel the need to abstain from a SPIRT decision. At no time should any single application be singled out for disparate treatment from other applications that are similarly situated.     2. SPIRT members shall follow ICANN’s Expected Standards of Behavior as outlined in the ICANN Accountability and Transparency Framework. | Section 5.d SPIRT Conflict of Interest  p. 14 | This does not reflect the clear agreement of the group. What we agreed is that SPIRT members are likely to be making decisions on matters that impact a) their own applications or b) their firms’ applications, their clients’ applications or other applications in which they have a direct interest.  We discussed and agreed that the SPIRT member herself/himself is in the best position to know that this direct interest is taking place – and to disclosure \*\*on a regular and ongoing basis.\*\*  Note: we further agreed that recusal is not a requirement, but disclosure on a regular and going basis is (as agreed by the WG). | ADDING A NEW SECTION (draft language below captures the final agreement of the WG):  In the issue of full transparency to other members of the SPIRT and to the public, members of the SPIRT agree to disclose on a regular and ongoing basis that an issue being debated and discussed by the SPIRT involves an application of which a SPIRT member has a direct interest, including as applicant, and/or through their firm, company or client. This disclosure shall be open, transparent and on the public report of the SPIRT meeting, and a “Statement of Involvement or Direct Interest” should start every SPIRT meeting.  When appropriate, the Member of the SPIRT may recuse himself/herself, but required disclosure of a direct involvement in an application with an issue before the SPIRT does not, in and of itself, require recusal. |
|  | For the purposes of the draft Final Report, the Working Group designated the status as No Agreement and has made no recommendations with respect to either allowing or disallowing Closed Generics. However, with widely diverging viewpoints, the Working Group asked Working Group members to contribute additional proposals for consideration, to help identify circumstances when a Closed Generic may be permitted. These proposals were not thoroughly vetted by the Working Group and therefore none of the proposals at this point in time have any agreement within the Working Group to pursue. However, the Working Group is very interested in community feedback regarding the three proposals received, in regards to both the high level principles and the details (where provided). Thus, any feedback is appreciated. The Working Group is particularly interested to hear from the community about which proposals, if any, they believe warrant further consideration by the Working Group, and why. The Working Group would also like input on whether there are elements or high-level principles in any of the proposals that are critical to permitting Closed Generics, even if commenters may disagree with some of the details. | Moving new para p. 20 to page 15 (or much closer to start of 2.7.3 Closed Generics) | Where are the three proposals? Shouldn’t we be listing them out, with their titles and authors, and links, to give comments an incentive and interest to find them?  This new paragraph is ***five pages*** down in the Closed Generic discussion. In light of all the work that it reflects, and the hope we have for it providing some solid input into the WG for next steps – isn’t this much too far down? (A bit like burying the magic key in a place that no one will find it?) | More this paragraph higher and add to (in clear bullet points), the three   * titles, * authors, and * links   to the 3 new proposals on Closed Generics discussion. |
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