

14 March 2019

Jonathan Zuck, Chair  
Competition and Consumer  
Trust Review Team (CCT-RT)

Dear Jonathan Zuck and Members of the Competition and Consumer Trust Review Team:

I am writing to again express the ICANN Board's gratitude for the extensive work of the Competition, Consumer Trust, and Consumer Choice Review Team (CCT-RT) and the many excellent recommendations contained in the CCT Final Report and Recommendations.

### **Acknowledging Your Concerns**

I am also writing, on behalf of the entire Board, to let you know that the we have heard – loud and clear – that the CCT-RT as well as many other members of the ICANN community are disappointed by the Board's response to the CCT Final Report and Recommendations (the Final Report).

The Board acknowledges these concerns and wishes to address them.

First, our intention was to communicate as clearly as possible about the approach we took in acting on the recommendations contained in the Final Report. We are sorry that we did not achieve that. We should have completed our initial review earlier, undertaken preliminary funding and feasibility analysis during the review period, and – prior to acting on those recommendations – reached out to the CCT-RT to explain and to discuss our proposed approach. Further, and at a higher level, it is clear that the approach we have historically taken in evaluating and implementing recommendations from review processes is not sustainable; and that prior to acting on the Final Report recommendations we should have commenced a conversation with the ICANN community about processes by which we can together identify priorities and develop a sustainable cadence for implementing review team recommendations.

### **Explanation of Our Approach**

Second, while acknowledging the negative impression that has taken hold in the community, we want to provide more information about the approach we have taken. Our intention was and remains to fully consider and thoughtfully act on each of the recommendations in the Final Report. To be clear, the Board has not rejected any of the recommendations in the Final Report. After careful consideration of the 35 recommendations, the Board determined to address each, in one of three ways:

- The Board accepted six recommendations and directed the ICANN org to develop a costing and implementation plan, to be shared with the community within six months from the Board action. We acknowledge that some members of the community believe that this timeline is unnecessarily extended; and we will review these recommendations with ICANN org to determine whether this timeline can be accelerated.

- Fourteen of the recommendations directed to the Board were actions that were not directly within the Board's remit at this stage in the bottom up multistakeholder process. The Board felt that some of these recommendations were excellent. We also had questions about others. We ultimately concluded that expressing an opinion on policy recommendations outside the Board's remit at this stage could have been interpreted as usurping policy development authority allocated to the community under the ICANN Bylaws. The Board is also mindful of the relative role of the Board and ICANN org. Accordingly, we referred recommendations in this category to either the appropriate policy development body or to ICANN org to handle. Please keep in mind that the community is obligated to fully consider all input into PDPs and CCWGs, and that the Board is ultimately responsible for ensuring that such input is duly considered and appropriately addressed.
- Seventeen of the remaining recommendations were categorized as pending. The Board felt that recommendations in this category raised substantive questions or required more information. The Board directed ICANN org to take specific actions to resolve the pending status as soon as possible. We acknowledge that some members of the community believe that this amounts to consigning the recommendations to the "circular file." This is not the case, and we will review these recommendations with ICANN org to determine whether a specific timeline can be established.

### **Working with the Community to Address the Concerns**

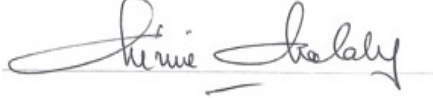
Third, we want to assure the community that the Board is committed to taking action to address the concerns we have heard in this context and with respect to other reviews that are underway or upcoming.

We recognize that in the past, the recommendations of review teams may have been accepted by the ICANN Board without condition or consideration of the budgetary or institutional impact of these recommendations. That may have been a reasonable approach in an era when ICANN funding was continuously increasing, but that is a luxury that ICANN cannot afford in an era of flat or declining funding. The Board has a fiduciary duty to consider the implementation of CCT-RT's recommendations in the context of competing budget priorities and other review team recommendations.

We acknowledge that this situation is frustrating for members of the CCT-RT, who worked hard to develop thoughtful and impactful recommendations for our consideration. We also acknowledge that this situation has raised concerns about other reviews underway. At your suggestion, we plan to organize a session at ICANN65 to allow further discussion of this matter and to address how to improve costing and implementation of review recommendations. The Board is also committed to working with the community to develop a process by which ICANN can identify priorities and develop a sustainable cadence for implementing review team recommendations over time. We have also asked the ICANN org to create a standard protocol for handling specific review recommendations, including a standard timeline for the Board's review and response, building in both cost and implementation analysis and dialogue with the relevant review team to avoid surprises in the future.

To move forward on the accepted and pending recommendations in the CCT-RT Final Report, we request that the CCT-RT identify an implementation review team point (or points) of contact to liaise with the ICANN Board. We hope that working together in a collaborative manner can achieve a timely resolution of these issues.

Sincerely,



Cherine Chalaby  
Chair, ICANN Board of Directors