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| Proposed Revisions (appear in Redline) | Notes, Explanation, Questions |
| Mission, Commitments, and Core Values |  |
| The Mission of The Internet Corporation for Assigned Names and Numbers ("ICANN") is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems. In particular, ICANN: |  |
| Coordinates the allocation and assignment of the three sets of unique identifiers for the Internet, which are Domain names (forming a system referred to as "DNS"); Internet protocol ("IP") addresses and autonomous system ("AS") numbers; and Protocol port and parameter numbers. |  |
| Coordinates the operation and evolution of the DNS root name server system. |  |
| Coordinates policy development reasonably and appropriately related to these technical functions. |  |
| In this role, with respect to domain names, ICANN’s Mission is to coordinate the development and implementation of policies:  - for which uniform or coordinated resolution is reasonably necessary to facilitate the openness, interoperability, resilience, security and/or stability of the DNS ; and  - that are developed through a bottom-up, consensus-based multistakeholder process and designed to ensure the stable and secure operation of the Internet’s unique names systems.. |  |
| In this role, with respect to IP addresses and AS numbers, ICANN’s Mission is described in the ASO MoU between ICANN and RIRs. |  |
| In this role, with respect to protocol port and parameter numbers, ICANN’s Mission is to [to be provided by the IETF]. | Need to consult with IAB/IETF |
| In this role, with respect to the DNS root server system, ICANN’s Mission is to [to be provided by root server operators]. | RRSAC to provide language |
| ICANN shall have no power to act other than in accordance with, and as reasonably ~~necessary~~ appropriate to achieve its Mission. Without in any way limiting the foregoing absolute prohibition, ICANN shall not engage in or use its powers to attempt the regulation of services that use the Internet's unique identifiers, or the content that they carry or provide. | WP2 discussed the suggestion put forth by the BC (Comment 109) and others comment to add language regarding contract issues: *“ICANN shall not engage in or use its powers to attempt to establish contractual obligations on companies with which it is not in privity of contract and shall not attempt to establish contractual obligations on contracted parties that are not agreed by such parties.” See also Comment 112/USCIB;119/USCC.*  WP2 also discussed the concern raised by the IPC and others that the second sentence would constrain ICANN’s ability to enter into or enforce contractual provisions against prohibited or abusive uses of domain names.  The group felt that the addition suggested by the Business Constituency was not necessary. The limit on ICANN’s ability to regulate services and content does not preclude ICANN from entering into contracts and enforcing its contracts in furtherance of its Mission. The prohibition on regulation does not prohibit ICANN from accepting – and enforcing as a contractual matter -the arrangements and limitations offered by new gTLD applicants. For example, a number of applicants for new gTLDs made voluntary commitments to better serve registrants and end users and to address concerns about competition, consumer protection, rights protection, etc. Nothing about enforcing those voluntary commitments would be inconsistent with ICANN’s Mission. |
| Commitments and Core Values |  |
| In carrying out its Mission, ICANN will act in a manner that complies with and reflects ICANN’s Commitments and respects ICANN’s Core Values, both described below. |  |
| These Commitments and Core Values are intended to apply in the broadest possible range of circumstances. The Commitments reflect ICANN’s fundamental compact with the global Internet community and are intended to apply consistently and comprehensively to ICANN’s activities. The specific way in which Core Values apply, individually and collectively, to each new situation may depend on many factors that cannot be fully anticipated or enumerated. Situations may arise in which perfect fidelity to all Core Values simultaneously is not possible.  In any situation where one Core Value must be reconciled with another, potentially competing Core Value, the balancing must further an important public interest goal within ICANN’s Mission that is identified through the bottom-up, multistakeholder process. | NOTE: These changes, and the deletions below, are designed to address many comments that said that the balancing language for Commitments was too US-centric and could lead to inaction. The CCWG carefully reviewed the Commitments and determined that a balancing test should not be required with respect to the Commitments, which are fundamental. |
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| Commitments. |  |
| 1. In performing its Mission, ICANN must operate in a manner consistent with its Bylaws for the benefit of the Internet community as a whole, carrying out its activities in conformity with relevant principles of international law, international conventions, and applicable local law and through open and transparent processes that enable competition and open entry in Internet-related markets.  Specifically, ICANN’s action must: |  |
| 2. Preserve and enhance the neutral and judgment free operation of the DNS, and the operational stability, reliability, security, global interoperability, resilience, and openness of the DNS and the Internet; |  |
| 3. Maintain the capacity and ability to coordinate the DNS at the overall level and to work for the maintenance of a single, interoperable Internet; |  |
| 4. Respect the creativity, innovation, and flow of information made possible by the Internet by limiting ICANN's activities to matters that are within ICANN’s Mission and require or significantly benefit from global coordination; |  |
| 5. Employ open, transparent and bottom-up, multistakeholder policy development processes, led by the private sector, including business stakeholders, civil society, the technical community, and academia that (i) seek input from the public, for whose benefit ICANN shall in all events act, (ii) promote well-informed decisions based on expert advice, and (iii) ensure that those entities most affected can assist in the policy development process; |  |
| 6. Make decisions by applying documented policies consistently, neutrally, objectively, and fairly, without singling out any particular party for discriminatory treatment; |  |
| 7. Remain accountable to the Internet Community through mechanisms defined in the Bylaws that enhance ICANN’s effectiveness. |  |
| Core Values: |  |
| 1. In performing its Mission, the following core values should also guide the decisions and actions of ICANN: |  |
| 2. Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making to ensure that the bottom-up, multistakeholder policy development process is used to ascertain the global public interest and that those processes are accountable and transparent; |  |
| 3. Delegating coordination functions to or recognizing the policy role of other responsible entities that reflect the interests of affected parties and the roles of both ICANN’s internal bodies and external expert bodies; |  |
| 4. Depending on market mechanisms to promote and sustain a healthy competitive environment in the DNS market. |  |
| ~~5. “Ensuring that any expansion of the top-level domain space will adequately address issues of competition, consumer protection, security, stability and resiliency, malicious abuse issues, sovereignty concerns, and rights protection.”~~ | This is being moved to the AOC review section |
| 5. Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest as identified through the bottom-up, multistakeholder policy development process. |  |
| 6. Operate with efficiency and excellence, in a fiscally responsible and accountable manner and at a speed that is responsive to the needs of the global Internet community. |  |
| 7. While remaining rooted in the private sector, including business stakeholders, civil society, the technical community, and academia, recognizing that governments and public authorities are responsible for public policy ~~within their respective jurisdictions~~ and duly taking into account the public policy advice of governments and public authorities. ~~[on matters that are within ICANN’s Mission and consistent with its Bylaws] [that is consistent with these~~ | WP2 proposes to delete the crossed out language and to:   1. Amend Article XI of the Bylaws, to provide that Advisory Committees should provide a rationale for their advice, with references to relevant applicable national or international law where applicable.   2. Clarify that the Independent Review Process applies to all violations of the ICANN Bylaws, including violations resulting from ICANN’s action or inaction based on input from advisory committees or supporting organizations. |
| 8. Striving to achieve a reasonable balance between the interests of different stakeholders. |  |
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