

25 November 2020

Maarten Botterman  
ICANN Board Chair

**Re: Commercial Stakeholder Group response to Maarten Botterman letter of 12 October 2020**

Dear Maarten,

We write on behalf of the Internet Service Providers and Connectivity Providers Constituency, Business Constituency and Intellectual Property Constituency (together, the three constituencies that comprise the GNSO's Commercial Stakeholder Group) to respond to your [letter of 12 October 2020](#) to the GNSO Council and GNSO Stakeholder Group and Constituency leaders.

We very much appreciate your and the Board's interest in our views on the upcoming Generic Names Supporting Organization (GNSO3) review and the opportunity, as suggested in your letter of 12 October, to meet with the Board's Organizational Effectiveness Committee (OEC) to discuss our views in detail. We kindly request staff to help us to schedule a meeting of the OEC and CSG prior to the end of 2020. We are mindful, however, of the Board's upcoming meeting on 30 November or 1 December 2020, at which the [ATRT3 Report](#) will be tabled. At our meeting last week, on 17 November, with GNSO-appointed Board members Matthew Shears and Becky Burr (Board Vice Chair León Sánchez also kindly attended), we agreed to prioritise this response to reach you and your colleagues before your decision-making on ATRT3, as we see very significant links between the ATRT3 recommendations, the GNSO3 Review and the NomCom RIWG's proposal to redistribute NomCom seats. In its consideration of the ATRT3 recommendations, the Board sits at a critical juncture to draw together multiple parallel workstreams, each of which point to the need for a comprehensive holistic review of the current composition of the ICANN community as a basis for informing future decisions and structures. We will thus seize this reply opportunity to inform you and your Board colleagues of our understanding of these linkages, and then follow up in more detail through a meeting next month with the OEC.

The ATRT3 Recommendations and the Final Report of the Independent Review of the ICANN Nominating Committee notably reach a common conclusion: an holistic review of today's ICANN community is needed. The ATRT3 envisages such an holistic review as having the following objectives ([at page 22](#)):

- Review continuous improvement efforts of SO/AC/NC based on good practices.
- Review the effectiveness of the various inter-SO/AC/NC collaboration mechanisms.
- Review the accountability of SO/ACs or constituent parts to their members and constituencies (this will include an in depth analysis of the survey results).
- Review SO/AC/NC as a whole to determine if they continue to have a purpose in the ICANN structure as they are currently constituted or if any changes in structures and

operations are desirable to improve the overall effectiveness of ICANN as well as ensure optimal representation of community views (but taking into consideration any impacts on the Board or the Empowered Community).

The Independent Review of the ICANN Nominating Committee similarly calls for ([at page 25](#)) “a comprehensive assessment of representation within the ICANN community, including a full understanding of the history and possible future of representation within the SOs/ACs”.

Both conclusions are notably consistent with the outcomes of the Board-initiated “Evolving the Multistakeholder Model” process. That each of these efforts converge around common support for a comprehensive review of today’s ICANN should be unsurprising to us all, given the wide-reaching effects of the New gTLD Program of 2012. More importantly, this convergence of multiple disparate efforts around a common conclusion is a clear signal to the Board of the ripeness and timeliness of an holistic review as the logical and necessary next step to set the direction for ICANN’s future. Whilst there have been a series of cyclical reviews over a 16-year period, ICANN has never undertaken an holistic review since its inception, and the need to move forward with this has never been stronger or clearer.

Preparatory work in the form of the holistic review called for by ATRT3 and the Independent Review of the NomCom is consistent with, and indeed integral to, fulfilling the requirements of Section 4.4(a) of ICANN’s Bylaws, which attribute the following “goal” to a review of the GNSO: “to determine... whether any change in structure or operations is desirable to improve [the GNSO’s] effectiveness”. Such a determination was notably not undertaken in, and specifically left out of the scope of, the GNSO2 Review. Indeed, such a determination has not been applied to ICANN as a whole, and is now long overdue.

Accordingly, preparatory work in the form of the holistic review called for by ATRT3 and the Independent Review of the NomCom is necessary to comprehensively and appropriately scope the GNSO3 Review. Launching the GNSO3 Review without this preparatory step would simply waste limited resources, repeating the ineffectual GNSO2 Review. We therefore request that, as you and your Board colleagues vote on the ATRT3’s Final Report, you make clear in the record of your deliberations that your interpretation of the term “moratorium” in the covering letter of the ATRT3 report as used vis-à-vis the GNSO3 Review does not preclude such preparatory work in the form of the recommended holistic review.

The utility of the holistic review recommended by the ATRT3 in terms of preparing for the GNSO3 Review depends entirely on the scoping of that holistic review. We do not wish to have an incomplete or inadequate scope forced upon us as occurred in the GNSO2 Review, and rather wish to participate in and contribute to that scoping process. To that end, we propose that initial discussions around the particular aspects of the scope of the ATRT3 holistic review relevant to the GNSO3 Review be the focus of a meeting of the CSG and OEC next month. All three Constituencies that form the CSG are committed to assist in advancing this work with the greatest urgency. We appreciate staff’s assistance in scheduling that meeting, and in the

meantime wish you and your Board colleagues a happy, healthy and safe remaining weeks of an undeniably unusual year.

Respectfully yours,

Wolf-Ulrich Knoblen, ISPCP Chair

Claudia Selli, BC Chair

Heather Forrest, IPC President

On behalf of each of our Constituencies