

Subject: [DIDP] DIDP Request in Connection with California Public Benefit Corporation Requirements
Date: Thursday, October 3, 2019 at 12:40:04 PM Pacific Daylight Time
From: didp on behalf of Michael Palage
To: didp@icann.org
Attachments: ATT00001.txt

Hello John and Amy,

I would like to submit the following DIDP request in connection with ICANN's Amended and Restated Articles of Incorporation which the ICANN Board approved on 9 August 2016 as outlined below.

With ICANN's amendment/restatement of the Articles of Incorporation in 2016, can you confirm that ICANN is bound by the obligations set forth in the California Corporate Flexibility Act of 2011? (Question #1)

Under the amended/restated articles of incorporation the charitable and public purpose of ICANN is clearly and succinctly defined as "lessening the burdens of government and promoting the global public interest in the operational stability of the Internet by carrying out the mission set forth in the bylaws of the Corporation."

In connection with the "first" purpose, could ICANN please provide any documentation in which it has specifically identified/enumerated how it is "lessening the burdens of government." (Request #1) Additionally, could ICANN identify any documentation on how this list of burden lessening activities is maintained. (Request #2)

In connection with the "second" purpose, e.g. Global Public Interest (GPI), the articles of incorporation state that the "determination of such global public interest shall be made by the multistakeholder community through an inclusive bottom-up multistakeholder community process." Could ICANN provide any document in connection with the current stated GPI and point to any specific mechanism by which the ICANN community can contribute to this (Request #3)

ICANN is currently engaged in a public consultation entitled "Evolving ICANN's Multistakeholder Model" see <https://www.icann.org/news/announcement-2019-04-25-en> [icann.org] In the documentation associated with this initiative it states:

The strategic objectives provide guidance for establishing Specific, Measurable, Attainable, Results-oriented, and Time bound (SMART) operating goals and plans to fulfill the vision and deliver on the mission over the five-year horizon of the Strategic Plan.

It appears that the SMART operating goals enumerated in this initiatives could be equated, in part or in whole, to the GPI obligations set forth in the articles of incorporation. Can ICANN confirm that the output of this initiative is intended to be formally included in the GPI? (Question #2)

Under California law, two statutory obligations of a Public Benefit Corporation are: 1) Third-Party Assessment Standard and 2) Annual Benefit Report.

Can ICANN provide any and all documentation in connection with the third party assessment standard that ICANN is being measured against. (Request #4). And finally, can ICANN provide all relevant Annual Benefit Reports produced by ICANN under this statutory obligation (Request #5).

Thanks in advance and I look forward to see you and the rest of ICANN.org representatives next month in Montreal.

Best regards,

Michael