

April 6, 2012

Dr. Stephen D. Crocker
Chairman of the Board of Directors
Internet Corporation for Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina del Ray, CA 90292

Re: Comments about Review of the ICANN Address Supporting Organization (ASO)

Dear Dr. Crocker:

We are pleased to share these comments of the ITEMS International Review of the ICANN Address Supporting Organization (ASO) authored by Hervè Rannou, Raimundo Beca and Thomas Mackenzie dated December 2011.

Concerns about Conflict of Interest

We are understandably concerned with the inherent structural conflict-of-interest built into the ICANN Address Supporting Organization (ASO) MoU dated October 29th, 2004 which manifested itself in this review. Section 8 of the ASO MoU was agreed to by ICANN in which it states *“With reference to the provisions of Article IV, Section 4 of the ICANN ByLaws [ICANN-BYLAWS], the NRO shall provide its own review mechanisms.”* This has thereby led to an unincorporated body, the Number Resource Organization, to select and hire its own reviewer not ICANN. Therefore any portion of this review is suspect due to the fact that the reviewer, in this case ITEMS International, reports to an unaccountable group which has paid for the report. Yet in the lengthy review of this report, there is not once the term conflict-of-interest was brought up or discussed.

Recommendation

We recommend that as part of the review of the ASO MoU, an independent entity is appointed by ICANN’s Board of Directors to undertake a review of the conflict-of-interest built into the ASO MoU which is unique to this Supporting Organization.

Thank you for your prompt attention to this matter.

Sincerely yours,



Peter Thimmesch
Chairman
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