



**Reply Comments of the Intellectual Property  
Constituency On Revised Conflicts of Interest Policy  
April 24, 2012**

The GNSO Intellectual Property Constituency (IPC) offers the following statement with regard to the public comment period on revised conflicts of interest policy and related governance documents. As stated in its initial comments posted April 2, 2012, the IPC has a strong interest in improvement of ICANN's conflict of interest policy. However, the IPC continues to find itself unable to offer substantive comments at this time for the following reasons.

1. The 21-day public comment period is inadequate. As expressed on a number of occasions, including at the Costa Rica meeting by IPC's president (see <http://costarica43.icann.org/meetings/sanjose2012/transcript-ppc-15mar12-en.pdf>, at pp. 8-10), limiting the public comment period to 21 days has the inevitable effect, even if not the purpose, of restricting or eliminating the ability of representative organizations such as the IPC to comment on issues. This is particularly true when, as is the case with IPC, the representative organization is itself comprised largely of other representative organizations. The reduced duration of the baseline public comment period is antithetical to true transparency and accountability. Furthermore, limiting any reply comments to only issues raised in the initial comment period is further limiting and, in our opinion, counterproductive to a robust public discourse on the issues put out for public comment.
2. In the present case, the materials presented for public comment are still incomplete and subject to the completion of two more Board-commissioned reviews on the same topic, which may lead to changes to the materials regardless of what public comments are received. See pages 46-49 of the Costa Rica ICANN meeting public forum, at <http://costarica43.icann.org/node/29713>. In these circumstances, it is impossible to justify diverting IPC's extremely limited volunteer resources to the preparation of reply comments on a proposal that is still in the process of being developed. This is especially true in light of the fact that, as these reply comments are being prepared, ICANN has numerous other public comment periods open.

The IPC reserves the right to provide additional views once the two reviews discussed at the Public Forum have been completed and it is disclosed whether or not the material presented for public comment are in their final form.