



Comments Posted Apr 3, 2009

Topic: New Cybersafety Constituency – Petition and Charter

Please accept the following comments in response to ICANN’s announcement regarding the proposed Cybersafety Constituency (CSC) letter¹, petition and charter.² Comments here refer to these documents, as well as the Notice of Intent to Form New Constituency (NOIF).³

In general, we support the creation of some role for security and safety concerns within the GNSO, and have no comments on the template Charter beyond (and inclusive of) section 2. That said, other elements outlined in the CSC documents present several areas of concern. We strongly recommend that this Petition and Charter not be approved until these issues have been addressed.

Membership is too broadly defined

The NOIF states (§2.1) that: “This new constituency will be organized around both an interest in Internet security, and around a community of previously unrepresented users, including parents, children, women, cultural organizations, religions, and others.”

While the petition letter mentions the possible inclusion of law enforcement agencies, this is not indicated in the NOIF, and only briefly in the proposed charter. Additionally, by limiting membership to non-commercial entities, the participation of commercial security providers is limited or excluded entirely.

Finally, a practical set of criteria identifying the “unrepresented users” is subject to continuous change, and managing membership criteria may prove unworkable.

Mission and Purpose Concerns

- Content Regulation

It is not clear how the CSC would pursue its stated goals within the arena of ICANN policy development and technical coordination. Several areas of the NOIF and petition reference the “interests of families and children,” the

desire to “balance free speech,” providing “protections against exploitation of the most vulnerable,” and the need to “address the cultural, moral, and political implications of the Internet.”

It is difficult to understand how many of these objectives can be pursued without proposing some mechanisms controlling or regulating content, which is definitively outside the scope and authority of ICANN.

- Interference with market-based solutions

The NOIF indicates that among the intended purposes of the CSC would be to “[protect] the right of Internet users to have choices in the nature of their access” (NOIF§1.2). This sentence raises several questions, such as what is specifically meant by “access.”

If the petitioner means Internet Service Providers (ISPs), then this is beyond the remit of ICANN.

If, however, the petitioner means contracted commercial parties, then it is not clear what “choices” regarding the “nature of access” are in demand, but not being met by existing market offerings.

If the CSC seeks to advocate policies that establish choices that are otherwise commercially nonviable, then this could be seen as counter to ICANN’s objective of fostering market-driven solutions and private competition.

Finally, if the CSC intends to offer access choices directly, then it should reconsider whether or not the non-commercial stakeholders group (NCSG) is the most appropriate body for its inclusion.

- Preferred representation of “safety” or “security” issues

The proposed name of this proposed constituency (“Cybersafety”) may foster the impression that other constituencies within the GNSO are less concerned, or uninvolved, in issues generally recognized as promoting online security. Online security and safety is the purview of all GNSO constituencies and stakeholder groups, including those organizations under contract with ICANN, and those which are not.

Conclusion

Despite our misgivings, we recognize that many of the goals of the CSC are shared by individuals and organizations within the ICANN community. As an example of this, consider Go Daddy’s recent efforts in Washington D.C. to advocate the “Protect Our Children Act of 2008,”⁴ and our work to shut down illegitimate online pharmacies.⁵ We therefore recognize the role and impact Go Daddy and other organizations can have in addressing these important issues.

Nevertheless, we request that the Board, at a minimum, ask for clarification of the above identified issues and for appropriate adjustments in the Charter before approving this petition.

Sincerely,
GoDaddy.com, Inc.



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1. <http://gnso.icann.org/en/improvements/cyber-safety-petition-charter-letter-28feb09.pdf>
2. <http://gnso.icann.org/en/improvements/cyber-safety-charter-redacted-23feb09.pdf>
3. <http://gnso.icann.org/en/improvements/noi-cybersafety-constituency-redacted-20oct08-en.doc>
4. https://www.godaddy.com/qdshop/news/release_view.asp?news_item_id=188
5. https://www.godaddy.com/qdshop/news/release_view.asp?news_item_id=190