



## **Comment on Draft Uniform Framework for a Cross Community Working Group (CCWG) Life Cycle: Principles and Recommendations**

The Intellectual Property Constituency (IPC) appreciates the opportunity to comment on the Draft Uniform Framework for a Cross Community Working Group (CCWG) Life Cycle: Principles and Recommendations (the “CCWG Framework”).

The IPC acknowledges the hard work and thoughtfulness that has gone into this document. However, the IPC is concerned that the proposed CCWG Framework could lead to a lack of direct representation of stakeholder organizations within the GNSO (including the IPC), which would result in muting, diluting, and marginalizing these groups as discrete entities. This is most explicit in the Draft Charter, where the suggested maximum number of members from each Chartering Organization is five.<sup>1</sup> While this may fit neatly with the ALAC and any other organization that is or may be organized by the five ICANN geographic regions, this number fails to take into account the diversity of groups housed in the GNSO.

For example, the IPC is one of three constituencies grouped under the Commercial Stakeholder Group. The CSG is essentially a “shell” created to house these constituencies for purposes of organizing the GNSO Council. Each of the three constituencies that comprise the CSG represent different stakeholders, meet separately (except at ICANN meetings), develop policy positions separately, and prepare and submit public comments separately. These very distinct identities need to be accommodated within the CCWG Framework. Since there are seven<sup>2</sup> such discrete entities in the GNSO, the suggested maximum number should be increased to seven to take this into account.

In this regard, the IPC urges the CCWG that prepared the CCWG Framework to consider some of the “lessons learned” from current and prior CCWGs. In the CWG-Stewardship and CCWG-Accountability, the maximum number of members was such that in each group the CSG could only have one member representing the three constituencies. As a result, two out of the three constituencies lacked a direct voice among the member ranks of each of these CCWGs. Moreover, the sole member needed to somehow take into account the concerns of the other two constituencies, in addition to his own. This was awkward at best, and at odds with the

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<sup>1</sup> Draft Charter, Section IV (page 16).

<sup>2</sup> Intellectual Property Constituency, Commercial and Business Users Constituency, Internet Service Providers and Connectivity Providers Constituency, Registry Stakeholder Group, Registrar Stakeholder Group and two constituencies in the Non-Commercial Stakeholder Group: the Non-Profit Operational Concerns Constituency and the Non-Commercial Users Constituency.

bottom-up multistakeholder model. For example, no IPC member could have represented the experience, knowledge, and concerns of an ISP as well as a member of the ISPCP.

Consensus calls were a particular problem. For instance, when it came time for a consensus call in the CCWG, the “CSG member” was forced to abstain on at least one occasion because there was no common position shared among the three constituencies (although all three constituencies had positions on the matter at hand). As a result, none of the CSG constituencies were ultimately heard. For CCWGs to be effective, stakeholder groupings need to be able to participate fully; therefore, this type of situation needs to be actively avoided rather than designed into the system. As such, the CCWG should adopt a guideline in the framework to ensure that there are a sufficient number of member seats so that each discrete stakeholder entity can be directly represented, and to encourage Chartering Organization to make choices that carry out this goal.

Thank you for your consideration of these comments.

Respectfully submitted,

Intellectual Property Constituency