



**IPC Reply Comments on
Potential Postponement of the GNSO Review
September 6, 2013**

The Intellectual Property Constituency (IPC) of the GNSO welcomes the opportunity to provide comments to ICANN on the Potential Postponement of the GNSO Review.

Commentary

We are pleased that the Board Structural Improvements Committee (SIC) is seeking community input on whether to postpone the review of the Generic Names Supporting Organization (GNSO), and to establish a new schedule for the review within the next 6 months.

We believe the GNSO Review should proceed on the current timeline without delay. In terms of whether there are other factors that the SIC should consider with regard to this recommendation, we support and expand upon the rationales provided by other GNSO stakeholders during the initial comment round, in particular:

The Importance of the GNSO Within the ICANN Model Should Make its Review a Priority. ICANN has previously noted that the GNSO is the primary engine in the ICANN community for fashioning, recommending changes, and making modifications to generic top-level domain policies. We agree with this perspective, and support the views expressed by the Internet Service Provider and Connectivity Providers (ISPCP) Constituency that “addressing the current structural and process issues related to the most complex and volatile part of the ICANN organization should be given priority and not delayed as a result of ICANN's broad focus on other issues. If the current demands in other areas are the reason for this delay, then ICANN's current priorities are wrong.”¹

As ICANN has indicated, the ATRT2 will include an assessment of the policy development process to facilitate enhanced cross-community deliberations, and effective and timely policy development, and the Strategic Planning Process includes consideration of attributes and characteristics of ICANN's community structures and processes, engagement of end-users, and other issues. The Board SIC has noted both of these activities will require dedicated participation by the GNSO, and may have implications for the GNSO review.

¹ See Comments of the Internet Service Provider and Connectivity Providers (SPCP) Constituency, at: <http://forum.icann.org/lists/comments-gnso-review-15jul13/msg00002.html>

We agree with the comments of Google, Inc. that the ATRT2 & Strategic Planning “process complements, but does not supplant, the GNSO review...these reviews have a broader focus and are tailored toward cross-community objectives.”²

While these other internal reviews may have implications for ICANN generally, ICANN’s organizational reviews should function as distinct processes, often with interdependent elements.

Amendments to the ICANN By-laws Have Already Impacted the Timing of the GNSO Review. In light of the excessively prolonged length of the 2006 GNSO Review - which extended over a six year period -- the ICANN Board, in 2009, resolved to amend the By-laws to adjust the review period from a three to five-year period for reasons of “practicability.”³

We agree with all four community comments (provided during the initial comment round) that time is of the essence and the GNSO Review should proceed as currently planned. We stress the need to minimize the length of the GNSO Review process in general, to provide a more efficient, responsive and effective review of the GNSO for the entire ICANN community. The previous GNSO Review absorbed an inordinate share of the time, energy, mental bandwidth and other resources of the IPC. This experience, which had an exceptionally poor outcome from our perspective, must not be repeated.

We reserve further comments on the substance of the GNSO review until it gets underway.

Thank you for considering our views on these important issues.

Respectfully Submitted,

Intellectual Property Constituency (IPC)

² See Comments of Google, Inc. at: <http://forum.icann.org/lists/comments-gns0-review-15jul13/msg00001.html>

³ See ICANN Board Resolution (2009.06.26.28) at: <http://www.icann.org/en/groups/board/documents/resolutions-26jun09-en.htm>