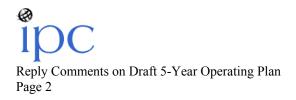# REPLY COMMENTS ON DRAFT 5-YEAR OPERATING PLAN

January 2, 2015

The Intellectual Property Constituency (IPC) of ICANN's Generic Names Supporting Organization submits the following reply comments on ICANN's draft 5-year operating plan. See https://www.icann.org/public-comments/proposed-opplan-budget-2016-2020-2014-11-11-en. These reply comments supplement our preliminary comments filed December 12, 2014, which posed a number of questions, to which we have as yet received no responses. See http://forum.icann.org/lists/comments-op-budget-2016-2020-11nov14/msg00001.html . We note that the ICANN Five-Year Operating Plan Current Calendar (page 8 of the draft plan document) blocks out the month of January for "STAFF addresses public comments." This phase should include answering the questions posed in the IPC initial comments. Otherwise, the stated goal for the "Five-Year Operation Plan [to] inform the One-Year Operating Plan and Budget" (draft plan, page 6, n.5) will be in jeopardy. Since we have received no responses to any of the questions we posed in our initial comments, these reply comments are confined to general observations regarding the proposed goals and metrics in the draft plan.

Strategic Objective 2 should include a goal to more formally address recommendations by the SSAC. Such recommendations are often ignored, and not until they are repeated several times are they considered seriously. Better incorporation of SSAC recommendations into program development should be a formal goal.

Strategic Objective 3 should begin with an explicit goal to "establish a corporate culture of measurable published objectives, frequent reviews and mid-course corrections when interim metrics suggest a lack of progress." The draft plan is rife with metrics, which is a welcome addition, but most exist as straw men for later refinement. What is imperative is a culture of data driven performance measurement wherever possible, and a willingness to review progress and make changes if progress is scant or non-existent. Only in an environment of transparent, measurable objectives can true accountability exist, and only with frequent review can strategic and tactical changes be made to increase the chance for success.

Strategic Objectives 4 and 5 contain many laudable goals to increase both the quantity and quality of public participation in ICANN. It is important for a broad spectrum of communities, both commercial and non-commercial, to feel as though they can have input into the ICANN process, whether through sustained or periodic participation. To that end, all of the participation mechanisms need to be reviewed, both for their usability and actual influence. It is important to determine whether the issue summaries that are provided are sufficient for meaningful participation in a particular public comment issue, and whether the mechanisms to incorporate the corresponding feedback are indeed functional. For example, decisions scheduled to be made before all public comments have been received, analyzed and responded to suggest a non-functioning influence mechanism. Similarly, metrics such as "number of engagement

programs" (strategic goal 1.2) do not get to the heart of public participation, and represent a kind of tautological metric is which by definition easy to achieve.

Strategic Objective 5 runs the risk of circular logic. At long last the "global public interest" in the context of ICANN's mission should be defined, so that further efforts surrounding the global public interest are bound by that definition. The global public interest should be defined around ICANN's mission, to act as a set of a guide rails when determining whether ICANN's actions are *in* the global public interest.

Respectfully submitted,

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