



23 Sep 2009

Proposed Bylaw Changes to Improve Accountability

Please accept the following comments in response to the publication of proposed Bylaw Changes to Improve Accountability. ¹ Go Daddy reserves the right to future comments on this issue, and our positions include, but are not necessarily limited to those noted herein.

Overview

GoDaddy.com appreciates the Board's efforts to improve the existing so-called accountability mechanisms. However, we maintain that existing and proposed mechanisms do not go far enough to address community concerns regarding accountability. We offer the comments below but encourage the Board to review our comments of 8 June 2009 submitted to the NTIA's Notice of Inquiry regarding the upcoming expiration of the Joint Project Agreement. ²

Community Re-Examination Vote

The proposed threshold for Article IV, Sec. 5, (2) (a) ³ is two-thirds majority vote of the Councils of two-thirds of the Supporting Organizations. We consider that threshold to be unrealistic, and not likely to ever result in a re-examination of Board actions. If this mechanism is implemented we believe the threshold should be a Supermajority of any one Council (as defined by that Council's procedures or the bylaws) of any one Supporting Organization.

Proposed Changes to the Independent Review Process

Go Daddy does not support the proposed changes to the Independent Review process. These changes are clearly in response to the numerous calls from various members of the community for a private sector lead board or panel to which community members may appeal decisions and actions of the Board. The proposed changes do not go far enough in that they continue to leave the ultimate decision to the ICANN Board. Once again, the Board is proposing that they be accountable only to themselves.

We maintain that the Independent Review Process should be replaced with a board or panel to which community members may appeal Board actions and decisions. This board or panel would have the authority to set aside a decision or action of the ICANN Board based on specific and well defined criteria. We believe that the structure of this board or panel should be defined by a private sector lead working group in a bottom up process.

Conclusions

The proposed bylaw changes do not represent the degree of change that we, and others within the ICANN community, are seeking in attempts to resolve the current lack of accountability and institutional confidence in ICANN and its Board. We urge the Board to take the lead in calling for and supporting the formation of a private sector lead working group to address accountability and confidence issues upon which the very legitimacy of ICANN itself rests.

Sincerely,
GoDaddy.com, Inc.

Tim Ruiz
Vice President
Corporate Development and Policy
GoDaddy.com, Inc.

1. <http://icann.org/en/announcements/announcement-27jul09-en.htm>
2. <http://www.ntia.doc.gov/comments/2009/dnstransition/055.pdf>
3. <http://www.icann.org/en/general/proposed-bylaw-revision-iv-5-clean-27jul09-en.pdf>