

20 April 2018

CCT Review Team Members

Dear CCT Review Team Members:

The ICANN Board appreciates the work of the members of the Competition, Consumer Trust and Consumer Choice (CCT) Review Team. The Board recognizes the time, effort and hard work that has gone into assembling the draft recommendations and wishes to thank the Review Team for their dedication. The Board is encouraged by the multiple comment periods for the draft recommendations and the various discussions the Review Team held at ICANN Meetings, and looks forward to receiving the final recommendations and understanding the modifications made to address comments and suggestions raised by the community.

The Board understands that the Review Team is settling on its final recommendations and intends to submit its Final Report in the near future. To that end, the Board has identified a few points that it would like to highlight for the Review Team's consideration in hopes that this additional information would be helpful to the Review Team as it concludes its work.

Timing and Budgeting Process

As the Review Team may be aware, ICANN organization is in the process of soliciting feedback from the community on ICANN's Draft FY19 Operating Plan and Budget and the current year's update to the Five-Year Operating Plan. This budgeting process relies on multistakeholder input to help ensure that ICANN org is appropriately allocating limited resources.

To the extent the Review Team is going to include timing requirements in its recommendations, it would be helpful to ensure the timelines take into account the timing of ICANN's annual budgeting process. If the funding of the implementation activities is not included in the budget of the fiscal year during which these activities would ideally occur, and the implementation activities cannot be delayed to the next fiscal year, a special request of funding must be submitted to the Board for consideration and the Review Team may want to consider this additional timing constraint. The Review Team might also wish to consider whether it has inputs based on these prioritization and funding issues that can be contributed to the budgeting process and be part of a broader community conversation on ICANN's budget and prioritization for recommendations that could reach implementation within FY19.

The Board also wishes to highlight for the Review Team that the ICANN Bylaws require the Board to solicit public comments on the final report in the process of determining appropriate action on the recommendations, while considering impact and implications. The Bylaws stipulate that the Board has up to six months to solicit public comments and then take action on the final recommendations. The Review Team may also want to consider this timing as part of its Final Report.

Considerations should also be given to the timing requirements of those recommendations that require coordination with parts of the community to implement (e.g., recommendations for changes the Registrar Accreditation and Registry Agreements, which require negotiations). ICANN Board cannot mandate specified time frames for negotiations through the acceptance of the recommendations, nor can the Board accept recommendations that

are directed at or are premised on a certain outcome by other parts of the ICANN community.

Data Collection Recommendations

In previous iterations of the Review Team's recommendations, the Board observed that there is a strong focus on collection of additional data to perform various surveys and studies. The Board is supportive of the overall goal of more fact-based, data-driven work by the community (as part of the reviews, policy development, or other work). The Board takes note that the Review Team's rationale for the data collection recommendations points to the lack of data having hindered the Review Team's ability to perform various analysis and evaluations, including those concerning competition, choice, and trust.

The Review Team recommends amending the Registrar Accreditation and Registry Agreements to impose new data submission requirements. Some in the community have expressed concerns regarding using these agreements as vehicles to require the disclosure of data. While the Board believes it is within the scope of CCT Review to suggest the types of data that it believes are appropriate to be collected, the Board does not believe it is appropriate for the Review Team to mandate the method by which such data should be collected.

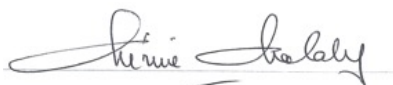
To ensure that the necessary data is collected in the most efficient manner, it would be helpful if the Review Team could include in the final report an explanation of the objectives that the data are intended to achieve. In the event the specific data that the Review Team requested cannot be obtained through the imposition of new contractual requirements, ICANN could consider whether and/or what alternative data could be accessed or used to achieve the Review Team's objectives. This could even include leveraging ICANN org's current data collection initiatives, or to see whether and how other parts of the community would need to be involved in obtaining the data. Working from a clear understanding of what the data is intended to demonstrate could also lead to implementation paths that better meet those intended purposes, such as involving experts to guide the practical aspects of data collection and analysis in targeted and useful ways.

Next Steps

The Board hopes that this additional input is useful for the Review Team and looks forward to receiving the Final Report. Once available, the Board will move forward with the process outlined in the Bylaws for considering the Final Report.

Again, the Board thanks the Review Team for its diligence and dedicated work on this important specific review.

Sincerely,



Cherine Chalaby
ICANN Chairman of the Board of Directors