



**COMMENT OF THE INTELLECTUAL PROPERTY CONSTITUENCY ON THE
DRAFT REVIEW OF THE AT-LARGE COMMUNITY**

March 24, 2017

The GNSO Intellectual Property Constituency (IPC) appreciates the opportunity to provide comments regarding the Draft Report issued by ITEMS International (ITEMS) on the Review of the At-Large Community. See <https://www.icann.org/public-comments/atlarge-review-draft-report-2017-02-01-en>. The IPC represents the views of the intellectual property community within ICANN, and is focused on trademark, copyright, and related intellectual property rights and their effect and interaction with the DNS.

The IPC is providing comments on the Draft Report limited to Recommendations 1, 3, 5, 6, 7 and 13.

Recommendation 1	<i>At-Large Members from each region should be encouraged, and where possible funded, to participate in Internet governance / policy-related conferences / events (IGF, RIR ISOC) in their region, and to use these events as opportunities proactively to raise awareness among end-users about the At-Large and the opportunities to engage in ICANN-related activities.</i>
Indication of Support: It Depends	The IPC supports the funding of outreach by At Large to the Internet end-user community that would contribute to greater engagement in the At-Large Community. However, the IPC believes that the funding should not be used to fund outreach and not to fund participation by At Large Members in non-ICANN conferences and events. Further, ICANN funding of these activities by At Large should be equivalent to funding provided by ICANN to other equally important stakeholder groups within ICANN.

Recommendation 3	<i>At-Large should encourage greater direct participation by At-Large Members (ALMs) in ICANN WGs by adopting our proposed Empowered Membership Model.</i>
Indication of Support: It Depends	The IPC supports greater direct participation by At-Large Members in ICANN WGs. However, the IPC is concerned the EMM would make participation in ICANN WGs (primarily, GNSO WGs) virtually the sole focus and activity of At-Large within ICANN. This would be a quantum shift for At-Large, particularly in combination with the

	<p>recommended abolition of At Large WGs and de-emphasis of At Large Structures.</p> <p>The IPC also notes that, related to Recommendation #3, the Draft Report’s EMM Implementation Guidelines #4 states that, within the context of encouraging individual users to participate in At-Large, “there should be scope for further cooperation with the NCSG.” The IPC believes that the At-Large Community’s engagement with each of the Commercial Stakeholder Group (CSG’s) constituencies (IPC, Commercial and Business Users Constituency, and ISP and Connectivity Providers Constituency) is equally important. For example, at the core of the IPC’s efforts is the goal of preventing consumer confusion and harm by improving consumer trust and combating abuse of trademarks and other intellectual property in the DNS. We urge the Draft Report to be revised to reflect an equal need for At-Large engagement with the CSG as well as the NCSG.</p>
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Recommendation 5	<i>At-Large should redouble efforts to contribute to meetings between ICANN Senior Staff and Executives, ISOC (and other international organisations) to engage in joint strategic planning for cooperative outreach.</i>
Indication of Support: Do Not Support	It is important that ICANN as an organization, and all of ICANN’s bodies for important stakeholder engagement, be mindful of its mission and the proper limits of its activities to further that mission. The purpose of the At-Large Community is to act on the interests of Internet users within ICANN and to engage in outreach to these users, not to engage with “other international organisations.” The IPC requests that this Recommendation be revised to reflect the mission and scope of the At-Large Community. Specifically, any such engagements should be solely for the purpose of facilitating At-Large outreach and (consistent with our response to Recommendation 3) should include engagement with commercial sector organizations, and not merely ISOC and civil society organizations.

Recommendation 6	<i>Selection of seat 15 on ICANN Board of Directors. Simplify the selection of the At-Large Director. Candidates to self-nominate. NomCom vets nominees to produce a slate of qualified candidates from which the successful candidate is chosen by random selection.</i>
Indication of Support: Do Not Support	The IPC believes that the At-Large Community should determine and govern its process for filling this seat, and does not support expanding the role and influence of the NomCom in the process of filling of Board Seat 15 by including NomCom vetting. Regarding At-Large’s

	request for an additional board seat, the IPC stands with others in stating that any such realignment should not occur without providing additional seats on the ICANN Board for the GNSO, based on the integral role of the GNSO in policy development and compliance and the growth of the DNS, as well as the starkly different mandates and concerns of different Stakeholder Groups of the GNSO.
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Recommendation 7	<i>At-Large should abandon existing internal Working Groups and discourage their creation in the future, as they are a distraction from the actual policy advice role of At-Large.</i>
Indication of Support: Do Not Support	The At-Large Community should have the ability to organize its activities within its scope as it sees fit. One-size-fits-all policies like Recommendation 7 ignore that ICANN Communities like the At-Large may determine that the use of internal Working Groups are, in some cases, the most effective approach (and on other cases, not). Within the GNSO, Constituency-internal working groups and committees may be formed to respond to the needs of their members and their larger community. At-Large should be no different.

Recommendation 13	<i>Working closely with ICANN’s Regional Hubs and regional ISOC headquarters, At-Large should reinforce its global outreach and engagement strategy with a view to encouraging the organisation of Internet Governance Schools in connection with each At-Large regional gathering.</i>
Indication of Support: Do Not Support	The IPC again believes that the Draft Report’s recommendation goes too far in proposing that At-Large work closely with one particular organization, in this case ISOC. This recommendation is particularly odd given the criticism in the Draft Report for the overlap between ISOC chapters and At-Large Structures. The IPC requests that this Recommendation be revised accordingly.

Respectfully Submitted,

Intellectual Property Constituency