To SUMMARY of Workshop on promoting competition, consumer trust and choice.
Cartagena, December 2010

Agenda

- Review of Brussels meeting
- Topics from that meeting,
- ALAC and GNSO discussions on a proposed Consumer Constituency
- Registrants' rights - presentation on SSAC 44 and aspirational registrants' rights ideas
- Next steps we might think are relevant post this meeting

New Item

- GNSO meeting discussion about assessing consumer trust, consumer choice and competition in the context of the upcoming reviews of sections of the Affirmation of Commitments.

Brussels Workshop

Looked at the words consumer, agenda, ICANN, registants, Internet Users

Concepts of public interest, consumer trust, consumer choice.

Definition process needs further work.

Experience at InternetNZ "putting registrants at the center of their decision making process with a great focus on reliability and safety".

OECD work on consumer empowerment focuses on transparency, choice, and measures for redress for consumers.

Is there other relevant experience in any other Internet organizations?

ICANN topics and perspectives:

Registrar's accreditation agreement and "registrants'' rights, developing an aspirational charter.

Affirmation of Commitments - if ICANN wants to promote competition, consumer trust and consumer choice, how do we know that we've done that? What is it that you measure to determine whether you actually have been promoting those outcomes.

Identifying a framework to take this work forward – clarifying concepts, collecting experience from ICANN community, proposed Consumer Constituency

Discussion

This stuff is all about two or three years behind what a lot of us are actually already doing.

How does this work "fit" with the Consumer Constituency proposal?

There are problems at ICANN in definitions of terms like "consumers," "users," and "registrants."

Parties in the GNSO are essentially representing registrants, so they're people that actually register and manage a domain name. And there is also the external user population who are users of domain names.

Users of domain names use domain names today typically in two ways: they use it as an identifier to reach a website, or they use it as a way of addressing an email.

The GNSO registration rules for domain names and the transfer rules are rules for people that hold domain names.

But what we're not really getting clear feedback on is the perspective of somebody that doesn't own a domain name at all. That's your mom, that's your dad, it's your children – they don't own domain names but they use them. And so what are the issues for them and how are we getting that advice?

The strategic objectives of ICANN as a whole organization are to improve competition, consumer choice and consumer trust. How do we measure consumer trust? It has to be measured in some way that's meaningful to users.

And how do we measure consumer choice? This has more to do with the GNSO in terms of registrants, because presumably they're making a choice as to which domain names they want to register.

We need to be clearly defining how we're going to be measuring them and what our targets are, and that should be guiding where we put our resources.

People with consumer interests in their priority list include the proposed constituencies of the GNSO, the proposed consumer constituency, the Non-Commercial Stakeholder Group of the GNSO, people from At-Large and the ALAC. ALAC recommendation 13 says ALAC needs to ensure a consumer – we will now be thinking of domain name user, right – voice into GNSO activities and ICANN. ALAC may indeed need to go play in the CC space as well.

This is what in ITF terms you would call a "birds of a feather" session; in other words it's a group of individual people, it hasn't actually been institutionalized but at some stage you've got to institutionalize it. That would be the next step, to say "Hey, how do we take these ideas and what's the right forum to be working on them in an institutional sense?"

We need perhaps to be operating at a couple of different levels. One is about institutionalizing this voice in policy decisions throughout ICANN taking account of the "public interest,".

"Consumers should encompass a wider range than registrants. Internet users who are using domain names to access the internet…"

"Internet users are using domain names to access the internet and although registrants are more directly affected, users should also be protected.

"For example, the pain for new gTLDs is unlikely to create competition at the registry services level. Running a registry is a complex task and will almost certainly be outsourced to existing players."

There may be a Board resolution by the end of the week, requesting the GNSO and ALAC to provide advice on appropriate measures under these general topics of competition, consumer choice and consumer trust. Advice from ALAC, needs to be focusing on the user; and then a focus from the GNSO, which could be focused on that registrants have a choice in what domain names they choose to register, and they feel that there's competition there to make sure that they're getting the best possible services really in that industry.

Consumer choice isn't a choice about which name they register in but perhaps it's a choice in how they navigate the internet. And that's a useful topic in its own right. One choice is you only use search engines. Another choice is you try and use names and the significance of names to find content, and we know many users do that. So there are really two different ways of using names.

The appropriate measures ultimately should form part of the ICANN strategic plan. And then the operating plan then becomes "What are we doing about those things next year?"

Options for progressing discussions could include chartering an organization, almost a standing group that has consumer rights as its mandate; to go into the existing components that are already within ICANN as well as the new constituencies that are forming and try and get some common ground on some of these issues.

A cross-community working group is something that may also be appropriate.

The focus should not be on new entities but on creating new ethics.

Another way to institutionalize is to define and measure consumer trust and confidence and public interest values in all of the entities and organizations that work at ICANN. It's baked into the constitution as it were; it's in the Affirmation of Commitments. It's not a mandate to create a new entity in ICANN – it's a mandate for all of ICANN's entities to follow it.

So the biggest value we can provide is to define consumer trust and confidence and public interest, get the community to accept our definitions.

What do you do after you define something? You set up measurements, and if you set up measurements and definitions – what do you do next?

You set goals for how those measurements have to be met. We'll call those metrics.

With definitions, metrics and measurements, guess what you do? You have accountability because you can hold the entities and ICANN in general to doing better at consumer trust and confidence.

Much of this discussion is about "Do users count?" and "Why are we focusing on registrants?" More of what ICANN does is with respect to the resolution of domain names than the registration. …every time a domain name is resolved, that resolution is under ICANN's remit.

If registrations and resolutions are the things ICANN does, how can we wrap definitions round whether ICANN's doing a good job on consumer trust and confidence on that?

A two-word definition: availability and integrity.

The availability of registrations and resolutions - means 24/7/365 in any script or language about being able, for instance, to access domain names. The availability of registrations that drives us to want to see better new TLDs, especially IDN/TLDs – it drives us in that direction. Availability is around the world in regions that aren't served, so it's got a geographical, a linguistic, and a time entity. That's availability.

Integrity is when a registration is done that the person doesn't lie about who they are, they don't squat on someone else's rights to confuse consumers. So that's integrity in a registration, but there's integrity in resolutions, too. When I do a resolution in a phishing attack or a pharming or a man in the middle – all of those are violating the integrity of the resolution and it's the reason we have DNS CERT.

I can see the contracted parties' interest and I can see ICANN's interest, but where is the public interest required under the AoC?"

Cross-community working groups have a range of effect from interesting information – through to a chartering process, have managed the work and at the end of it have received a report from it and endorsed it, then it is advice from whatever degree the

chartering organization does. So if it's an AC that gives advice it's advice; if it's an SO that gives recommendations it's recommendations. The two extremes are it's good information or it's formal recommendations and advice, perhaps both together.

A little bit concerned with the sort of business school approach of gathering data and metrics and set goals ….the reason being is that most of the people who are involved in the consumer movement as it were within ICANN are volunteers without resources.

There are metrics of consumer trust that already exist. If we go ahead and look at some of the enforcement data, if we go ahead and analyze some of that and complaints from the public, and also these reports that come out frequently from security companies that name the top ten most dangerous domain sectors; or perhaps some of the work that's been done in analyzing the ccNSO area.

There's a lot of work going on in At-Large with metrics and goal setting material.

It is ICANN who would measure the performance against those metrics, it is the community that would set goals for improvement in those metrics – improving consumer confidence by two percentage points in global surveys that are conducted by organizations that the community would recommend.

Under the Affirmation of Commitments we actually are required to do a review of competition, consumer trust and consumer choice. The way we're doing the reviews is basically collecting a bunch of opinions because we don't have any measures or even any strategy in that area, and so opinions are going to be very diverse.

SSAC is the Security & Stability Advisory Committee within ICANN. So SSAC 044 is essentially a guide for registrants. The definition of registrants in SSAC 044 is mostly

individuals and organizations who are registering domains. SSAC 044 identifies tools that registrants can take to protect themselves. These are not obligations on the part of registrars or registries to implement, but it does call attention to a set of questions registrants can ask when he or she is registering a domain name to make an informed choice.

SSAC 044 gives an overview of what are the threats in terms of registrants when it comes to the domain names management and registration process; it lists a set of best practices for the registrants and what they can do to follow. And has a list of questions that registrants can ask when they're registering domain names and managing their services.

And secondly it's important for registrants to have a better understanding of the protection measures also promotes a consumer choice. For consumers to have a choice they also need to be better informed, and that's what this is trying to get.

The current amendments to the RAA that's going in place didn't go far enough. So what we decided to do was to create this list of aspirational registrant rights that represent what the user community wants to see reflected in future iterations of the RAA.

There is also a desire among a number of people who are in the consumer movement within the ICANN community to create a Bill of Consumer Rights that don't just simply apply to the RAA but apply to issues outside it that are based on user concerns.

Two big issues this group could work on are the idea of the indicators, metrics, that kind of idea, including the fact that there are many existing sources of data, so we don't have to reinvent the wheel here but that notion of the indicators and the measurements; and then secondly the important idea of institutionalizing this conversation in ICANN.