



Notice of Intent to Form a New GNSO Constituency

Important Notices:

(1) This form's purpose is limited to notifying the ICANN Board, community, and public of the applicant's intention to form a new GNSO constituency. It is not a substitute for, or replacement of, formal petition requirements stipulated in the ICANN Bylaws nor does its receipt, acceptance, or acknowledgement represent an implicit or explicit Board approval.

(2) In addition to the Board, this form will be provided to the GNSO Council and constituencies and will be publicly posted [Note: phone and fax numbers supplied below will be removed].

Submit to ICANN Board at new-constituency@icann.org [Note: If you do not receive a confirmation after submittal or have questions, please contact policy-staff@icann.org].

Your Name:	Beau Brendler; <u>Holly Raiche</u>
Your Company/Organization:	<u>Independent</u> Consumer <u>Advocate</u> ; <u>ACCAN</u>
Tel. Number:	REDACTED
Fax Number:	REDACTED
Email Address:	REDACTED
Submission Date:	<u>February</u> Updated and Revised: 15 <u>September</u> 2009

Section 1.0: Constituency Mission/Purpose

1.1 What name/title do you propose to give the new constituency and in which Stakeholder Group are you recommending that it be associated, including rationale?

The tentative name is: Consumers Constituency. ~~I~~We propose it be included in the Non-~~commercial~~Commercial Stakeholder Group (NCSG) because the focus of this constituency will be exclusively non-commercial.

1.2 What is the intended purpose of the new constituency?

The intended purpose of the Consumers Constituency is to serve as the conduit for consumer interests as they relate to the safety and stability of the Internet at the juncture where they fall into the remit of ICANN. The major areas of consumer interest related to the Internet ~~are~~ pertain to transactions of some kind, buying and selling; therefore, issues such as fraud, spam, phishing, ~~and~~ identity theft, network neutrality, privacy, WHOIS, and ~~free speech are also, of course,~~ issues new gTLDs are of major consumer concern ~~but are already addressed by other ICANN participants.~~ While "cybercrime" issues do not directly fall within ICANN's remit, none of this activity is possible without using the ~~the~~ DNS for abusive and fraudulent activity. Thus, the focus of the Consumers Constituency will be to ensure that consumers' safety, security and stability concerns regarding the DNS are adequately represented within ICANN policy development.



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- 1.3 How will the addition of this constituency improve the GNSO's ability to carry out its policy-development responsibilities?

~~To date, the NCUC has tended to focus on representing the perspectives and interests of those advocating free speech, often but not always from a US-centric perspective.~~ The Consumers Constituency believes that ~~there are important additional public interest concerns for consumers that~~ the GNSO should hear, ~~including a strong, loud and clear public interest voice on matters of~~ DNS safety, ~~security and stability~~ and security concerns, domain name abuse concerns, privacy concerns and others, that have not been represented as much as they might. For example, many consumer organizations are particularly concerned with upholding RAA compliance requirements. A wide range of communities, including the journalism community in the United States, the SSAC, and those charged with mediating domain name disputes, are concerned about the accuracy of WHOIS data and its continued availability. Consumers are concerned about potential issues of confusion and potential for fraud and instability in the introduction of new gTLDs. Many other examples exist.

The perspective of ~~mainstream~~ consumer organizations on ICANN issues will add substantially to the ability of the GNSO to carry out its policy development.

- 1.4 How will the establishment of this new constituency augment, complement, and otherwise contribute differential or unique value to the GNSO and ICANN's existing structures?

~~Mainstream consumer~~ Consumer organizations are widely recognized as ~~very~~ important representatives of the public interest in areas of (amongst others) product safety and liability issues. In the development of many areas of public policy, it has become customary (and in some cases even obligatory) in many countries for governments to consult their national consumer representatives as a matter of routine with respect to certain classes of decision that is unique. The addition of a Consumer Constituency is a unique element that has not yet been adequately addressed in ICANN policy development. Thus, having a place in the GNSO for a discreet group that is very widely recognized for being one of the most legitimate representatives of consumer interests will contribute to increasing the legitimacy of ICANN's policy development activities.

Participation of the Consumer Constituency within the GNSO will be clearly different from consumer participation within the At-Large network. At-Large is by its nature meant to represent individual Internet users as a whole. This means that all voices must negotiate with each other, using a *lingua franca* and decision processes that are unique to ICANN and by their nature produce a blend of viewpoints.

This very breadth which is such a strength for At-Large is a barrier to participation by many Consumer representatives, as it requires them to learn a language that they do not speak, and to participate alongside commercial interests in a way that many see as impossible (for example, many consumer groups are barred from accepting any for-profit stakeholder as a member of their organization and find it unacceptable to work within a structure in which for-profit entities participate.)

Consumer groups have a century-long tradition of representing the consumer voice in respect to such issues as product safety and security. Consumer protection organizations have a specific



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remit that is well understood and not analogous to the entire population of end-users worldwide. While consumer concerns in an ICANN environment with respect to ALAC are one of many issues that they must address and comment on, the Consumers Constituency will enable consumer organizations to represent the view of the world as they see it without having to balance it with the multiplicity of views that At-Large must try to represent. The practical application of this is that consumer organizations that are traditionally stretched in terms of resources will benefit from a constituency in which their interests are considered in a manner that is both mindful of their perspective as well as having practical application to their activities.

Specifically with respect to ALAC duplication, the point of this Constituency is to create a place where consumer groups can take advantage of other members' expertise in terms of bringing them up to speed on ICANN issues that pertain most to them. Most consumer groups are not aware of the importance of ALAC funding, or how ICANN spends its annual budget, or international IDNs, or IPv4 to IPv6 transition. However, these are issues that do, and should, occupy a lot of the ALAC's time. ALAC's purview is the entirety of ICANN, whereas the Consumer Constituency's interest will be focused on the GNSO, that part of ICANN where most of the policy is formulated.

In the process of developing the Consumer Constituency, we have carried out a comparison of the interests of other existing and potential new constituency groups and are convinced that our various groups would not be duplicative of other ~~existing~~ structures within the GNSO.

Section 2.0: Membership

- 2.1 What connection do you have to this proposed constituency and what membership representation do you propose (e.g. market/interest-area/community; expertise/knowledge of members).

~~I am~~As noted in this petition, there are two proponents of this new Consumers Constituency: Beau Brendler and Holly Raiche.

Beau was most recently the director of Consumer Reports WebWatch (<http://www.consumerwebwatch.org>), the Internet integrity division of Consumers Union. ~~Our~~Its two primary areas of activity ~~are were~~ the investigation and research of websites based on the best practices developed in the WebWatch credibility guidelines, and advocacy activities based on consumer-focused Internet policy and governance standards. ~~WebWatch helped establish StopBadware.org at Harvard University's Berkman Center and continues to provide advice.~~WebWatch is also a member of the Internet Society. Currently, Beau is an independent consumer advocate who writes a weekly column on consumer Internet issues, including topics such as DNS abuse, at <http://www.walletpop.com/blog/bloggers/beau-brendler/>. In addition to significant professional experience, Beau has been active in ICANN since 2006 when he was elected to the ALAC as a NARALO representative, and in 2007 was re-elected for a two-year term. He participated in ALAC working groups on new gTLDs, registrant-registrar relations, WHOIS and the RAA, and has been a frequent panel speaker at ICANN meetings.

~~We are based at Consumers Union, the largest non-profit consumer organization in the world, based in Yonkers, New York with advocacy offices located in Washington, D.C., San Francisco and Austin. Consumers Union publishes the well-respected Consumer Reports magazine and~~



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~~ConsumerReports.org (<http://www.consumersunion.org/>) which has the highest number of subscribers of websites in its class. Consumer Union is one of the founding members of Consumers International, the international consumer federation.~~

~~I have been very active in ICANN since 2006 when I was elected to the ALAC as a NARALO representative and in 2007 was re-elected for a two-year term. I participate in ALAC working groups on New gTLDs, Registrant/Registrar relations, and WHOIS.~~

~~Holly is the Executive Director of the Internet Society of Australia (ISOC-AU). She is Deputy Chair of the Australian Communications Consumer Action Network, Australia's peak body for consumer advocacy in communications, and also the Deputy Chair of the Telecommunications Information Service Standards Council. Holly is also a member of the Australian Communications and Media Authority's Consumer Consultative Forum. Prior to her appointment as ISOC-AU Executive Director, Holly was the Project Manager for Consumer Codes and Compliance Officer at Communications Alliance and was previously Communications Advisor to the Australian Democrats party.~~

~~Holly also teaches LLM classes at the Faculty of Law at the University of New South Wales in the areas of telecommunications and broadcasting law, is a Research Fellow at the Cyberspace Law and Policy Centre at the University of NSW, and serves on the editorial board of the Privacy Law and Policy Reporter.~~

The Consumers Constituency will pro-actively encourage consumer groups and individuals who are members of existing international consumer organizations or active in the global consumer movement to join this new constituency group.

The manner in which this ~~constituency~~Constituency will be organized will allow consumer rights groups who are often challenged by limited resources as well as staff and time constraints to participate effectively in the development of Internet policies of particular concern to their membership. The details of membership and eligibility criteria ~~will be~~are further outlined in ~~due course through the development of a charter~~Constituency's Charter which accompanies this petition.

- 2.2 If this constituency will be formed from other pre-existing entities, please describe current memberships, including size/reach, and any public exposure offered (e.g. websites, email lists).

While this ~~constituency~~Constituency will not be formed from pre-existing entities, we recognize that some of its members may also be part of the At-Large Community.

- 2.3 What organizations/entities would be eligible/ineligible to join this constituency?

Membership in the Consumer Constituency will be open to consumer groups and other organizations that have demonstrated legitimate interests in representing consumer issues as they apply to ICANN. Individuals and organizations that accept funding from industry would be ineligible to join the Consumer Constituency. While specific eligibility criteria have not yet been developed, in general they would be required to meet the minimum membership



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requirements as established by internationally recognized umbrella consumer organizations, such as Consumers International and the Transatlantic Consumer Dialogue.

2.4 How would the Constituency adequately represent its membership on a global basis?

The Consumer Constituency ~~will represent its members through the existing international networks of consumers such as Consumers International and the Transatlantic Dialogue. The constituency will initially consist of~~has already welcomed aboard consumer organizations active in ICANN issues including Consumer Reports WebWatch, the Consumer Alliance Against Unsolicited E-mail, the Australian Consumers' Telecommunications Network, the Slovenian Consumers' Association, Consumers' Protection Center (groups from Australia (ACCAN), Slovenia (ZPS, whose executive director, Breda Kutin, is an internationally recognized consumer advocate), Belgium and Canada. We are actively recruiting two other consumer groups within the at-large, KEPKA from Greece, and the National Consumers' League of consumers' organization in Jamaica. Additional meetings are scheduled in October with Consumers International. Thus, from the start this constituency will have both global representation and reach.

2.5 What plans for recruitment/expansion do you envision for the constituency?

Members will actively seek to expand the number and geographic reach of this ~~constituency~~Constituency to ensure that all regions within ICANN are well-represented. One of the first actions the ~~constituency~~Constituency will take is to approach consumer organizations that have previously indicated an interest in becoming active in contributing to the development of ICANN policy issues. These groups include Consumers International, the Consumer Federation of America, the Electronic Frontier Foundation, and other groups affiliated with the Transatlantic Consumer Dialogue. We, the proponents of the Consumers Constituency, believe that there is already a critical mass represented; however, we also remain convinced that a lot of consumer groups will join this constituency once they see other groups joining. We have heard from at least one broad-based consumer organization that if a Consumer Constituency existed within ICANN's GNSO, then by definition, consumer groups would then need to devote resources to pay attention to it.