

Summary of Contributions at a Workshop discussing Developing a Consumer Agenda for ICANN

A cross-community workshop was held from 4-5.30pm 23rd June 2010. The moderator was Rosemary Sinclair, GNSO Councilor

The background to the Workshop is ICANN's Affirmation of Commitments which refers to the wide policy accountability of ICANN to public interest, global Internet users and consumers. A number of community members within ICANN are working to reflect the interests of Internet users and consumers in the policy decisions and ongoing work of ICANN. The workshop will provided a forum for a cross-community discussion on how best to further develop a Consumer Agenda for ICANN.

Background materials were made available to workshop participants. These are attached to this Summary.

The moderated Workshop discussed a number of contributions from attendees.

Following the workshop, this Summary of Contributions and Suggested Next Steps is being made available to the ICANN community.

The Workshop Agenda was:

1. Introduction by Moderator
2. "Consumer"
3. "Agenda"
4. "ICANN"
5. Conclusions and Next Steps

Contributors:

- Beau Brendler, Managing Editor, AOL Money and Finance's Consumer Ally
- Alex Gakuru, Africa Rep NCUC/SG and Chair, ICT Consumers Association of Kenya
- Evan Leibovitch, Chair, At-Large North America
- Taylor Reynolds, OECD
- Bertrand de la Chapelle, Special Envoy for the Information Society, French Foreign Affairs Ministry.
- Frank March, InternetNZ
- Bill Graham, Strategic Global Engagement, Internet Society

Contributions

Public Interest – Consumer Trust – Consumer Choice

Consumers may be a wider concept than DNS registrants

Consumer protection and consumer choice are different issues

Does “consumer” imply a financial transaction?

Consumers have the perception of difficult experiences with service providers. A knowledge divide exists between consumers and service providers. A Consumer is a person on the edges, at the end of the network. Consumer protection approaches need to be “rights-based”. Privacy concerns are different from security concerns. The Future of the Internet Economy will see increased competition and the need for up to date consumer protection measures.

Experience in other organisations

InternetNZ sees registrants as the key person in the food chain and makes decisions with “registrants at the centre”. The regulatory issue is whether the marketplace is reliable and safe. Registrants are the consumers of ICANN services which are providing access to the DNS.

OECD work on Consumer Empowerment focuses on Transparency, Choice in Markets and Measures for redress for Consumers. In the ICANN context these mean: Education for Consumers (registrants) on the best products; price shopping and the ability to switch service providers; mechanisms for redress given the global nature of the DNS. OECD Policy Guidance is aimed at:

1. Encouraging the development of services that provide consumers with a range of quality products at competitive prices.
2. Informing consumers about potential security and privacy risks in using communication services and available measures to limit these risks.
3. Enhancing consumer awareness of the availability and benefits of available services and suppliers, and consumer rights.
4. Improving the transparency of contracts and ensuring that they are not unfair to consumers.
5. Minimising the costs associated with switching services.
6. Facilitating timely, inexpensive, easy to use, effective and fair settlement of consumer complaints.
7. Ensuring that services be widely accessible to everyone, and, in particular, disadvantaged and vulnerable consumers.

The OECD's '*Consumer Policy Toolkit*' is a practical guide that is designed to aid policy makers in using a systematic approach to identify and evaluate consumer problems and to develop, implement and review effective consumer policies so that consumers can play their role in ensuring a dynamic economy. It focuses on policies for which consumer authorities are typically responsible. This does not include competition issues, which are addressed in a related OECD report ('*Competition Assessment Toolkit*').

EU consumers have specific legislation protecting their rights.

ISPs in South Africa have a Code of Conduct which is a less expensive form of consumer redress. Actions include the "Hall of Shame".

Are other Internet Governance Forums looking at developing Consumer Agendas for their work?

ISOC Sphere Project is an example of an approach to engaging all constituent parts of ISOC. "The Sphere Project has fostered the development of new relationships and the strengthening of existing relationships. In so doing, the project has helped improve goodwill toward and from the Internet Society's chapters. A shift in both the attitude of the chapters and in the parent organization is noticeable. Of course, project work is, to a certain extent, a means to an end in terms of community and relationship building—the first steps in getting to know each other in a more intimate manner with groups of people who are driven and task-focused."

Comments from ICANN Community members

The focus of ICANN is the DNS and NOT WIDER than this. IGF is the forum for wider consideration of Internet Policy Issues.

At-Large is the ICANN group focusing on the wider Public Interest aspects of ICANN policies and processes. GAC is focused on Public Interest outcomes.

Is it fair to say, ICANN focuses on registrars who focus on registrants – Who focuses on consumers?

Registrants need to be included in ICANN structures and processes – although they pay the fees, they have no voice in ICANN.

The ICANN distribution channel is: Registrar; Reseller; ISP; Registrant; End User

The fluidity of the market (for switching domain names) is different as between different companies. Is there a need to harmonise the rules between different countries?

ICANN's goal is an Open Market – does this mean Open Confusion for consumers? Will gTLDs mean more confusion?

Consumer Issues have a history within ICANN. 10 years ago the focus was narrow. Is this appropriate now? Sometime ago Domain Name Owners proposed an Individual Domain Name Constituency. This was not successful but perhaps incentives are different now? Individual registrants have different concerns from Domainers.

Redress and mobility are built into the Registries/Registrars contracts.

How can consumer protections be improved since Consumer contracts and rules are specific to specific countries? This is an important consideration in ICANN's approach to consumer redress mechanisms. Perhaps ICANN can bridge the gap between issues which are global and those which are local or national. For example if a registrant is in Latvia and a registrant is in Ghana – could ICANN develop an intermediary role? ICANN is encouraging outreach at the local level. How can awareness of local relevant laws be improved?

The Domain Name Market is not “just any old free market”. Applications for new gTLD Domain Names will enable new applications which will impact on end users.

Consumers in the DNS market “rent” domain names – they do not buy domain names.

ALAC and Registrars are willing to find ways to be more pro-active in developing approaches to consumer awareness. Complaints handling processes can range from low level remediation to formal disputes processes. Good practice may be for registrars to submit Consumer Protection Strategies?

Consumers who register with a registrar who is distant may find it difficult to pursue their rights e.g. if they lose their domain name.

Should Individual Registrants form a separate group or should these concerns be reflected in every ICANN group and process? Assessing the impact on registrants should be part of every ICANN decision.

A survey of good practice among Registries could inform the discussion. Are there Industry codes of Practice? What is already in place? How effective are the current approaches? Is there anything similar for Registrars? How do these groups enforce any rules set by self-regulation to ensure “consumer trust and consumer choice”?

There is a difference between registrants (gTLDs) and consumers. Where do ccTLDs fit into this discussion? ICANN is a consumer-facing organisation. ICANN

has developed “dispute resolution processes” and this is part of ICANN’s consumer agenda.

GAC is focused on the impact of what ICANN does and the policies that are developed on Consumers? What are the benefits to Society? How is the gTLD space managed to maximize social benefit?

The Registrars Accreditation Agreement is a place for embedding Consumer Rights. These should be based in an Aspirational Charter. What would be included in this Charter? It would need to reflect that reality that registrants have rights in all the transactions across ICANN.

AoC 9.3 Promoting competition, consumer trust and consumer choice (in the gTLD space) ...including consumer protection...will be adequately addressed prior to implementation...when new gTLDs ...have been in operation for one year, ICANN will organise a review that will examine the extent to which the introduction or expansion of gTLDs has promoted competition, consumer trust and consumer choice...Discussion - is this soon enough?

AoC 9.3.1 ...ICANN will organise a review of WHOIS policy and its implementation to assess the extent to which WHOIS policy is effective and its implementation meets the legitimate needs of law enforcement and promotes consumer trust...Discussion - WHOIS is a divisive issue with 2 opposing views held in the Consumer community. Is it possible to reconcile these views?

Suggested Next Steps – FOR DISCUSSION AT ICANN 39

- **Clarifying concepts** – consumer, public interest, registrant
- **Collecting experience** – reviewing approaches to Public Interest, Consumer Empowerment strategies, existing practice among ICANN community members
- **Consumer Constituency proposal** – understanding the proposal and providing support
- **Consumer Rights Charter** – Consumer Awareness; Consumer Information; Consumer Protection; Consumer Complaints Process