



**COMMENTS OF THE INTELLECTUAL PROPERTY CONSTITUENCY (IPC)**

**RECOMMENDATIONS TO IMPROVE ICANN'S OFFICE OF THE OMBUDSMAN**

**January 14, 2018**

The Intellectual Property Constituency (IPC) of the Generic Names Supporting Organization (GNSO) is pleased to submit supportive comments on *Recommendations to Improve ICANN's Office of Ombudsman (IOO)* (Draft),<sup>1</sup> published for public comment on November 10, 2017.

The IPC supports the efforts the CCWG-Accountability Work Stream 2 (WS2) to examine enhancements to the Ombudsman's role and function. The Ombudsman role should play a key role in ensuring fairness in ICANN activities and decisions. The IPC agrees with the discussion in the Draft which reflects that, to date, the Ombudsman role and process can be improved. We offer the following input on the Draft:

- The IPC agrees that Ombuds Office “should have a more strategic focus” (Recommendation 1), but urges WS2 to provide more detail in its finalized recommendations. A more strategic focus for the Ombuds Office should mean that, in its enhanced role, it has comprehensive understanding of ICANN’s unique structure and its role in supporting ICANN’s goals and viability.
- The IPC supports Recommendation 2 and agrees that the Ombuds Office should have procedures in place to categorize complaints and how each category should be handled; should set out which matters the Ombuds Office will not intervene in; and should provide illustrative examples that cover the most common controversies the Ombuds Office deals with. The IPC supports requiring written substantive responses within a reasonable timeframe, with the ability for a responding party to seek an extension from the IOO (Recommendation 4); that the Ombuds Office establish timelines for complaint resolution and report on its ability to meet these timelines (Recommendation 5); establishing an Ombuds Advisory Panel (Recommendation 8); and that the Ombuds Office develop a communications plan in its annual report to ensure that the IOO publishes reports on its activity, collects and publishes statistics and complaint trend information, collects user satisfaction information and publicizes systemic improvements arising from the Ombuds’ work (Recommendation 10).

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<sup>1</sup> <https://www.icann.org/public-comments/i oo-recs-2017-11-10-en>.

- The IPC supports the “soft launch” of the enhanced Ombuds Office across ICANN’s structure (Recommendation 3). The IPC commits to assist in educating its members when appropriate.
- The IPC supports the recommendation that the Ombuds Office provides mediation training to its Ombudsman (Recommendation 6).
- The IPC supports that Ombuds employment contracts be revised to strengthen independence by allowing for a [1] a 5 years fixed term (including a 12 month probationary period) and permitting only one extension of up to 3 years; and [2] the Ombuds to only be able to be terminated with cause. We encourage a community feedback mechanism that feeds into the IOO as part of this process.
- The questions raised in Recommendation 11 regarding the Ombuds Office’s involvement in any “non-complaint work” are important and the IPC supports this recommendation. However, we request further detail as to what “non-complaint work” the Ombuds Office would be involved with in ICANN.

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Thank you for your consideration of these comments.

Respectfully submitted,

Intellectual Property Constituency