



Intellectual Property Constituency Comment on the Review of Reviews Draft Report – 25 June 2026

Introduction

The Intellectual Property Constituency (IPC) is one of the constituencies within the Commercial Stakeholder Group (CSG) of the Generic Names Supporting Organization (GNSO) at the Internet Corporation for Assigned Names and Numbers (ICANN). It is responsible for advising the ICANN Board, the ICANN Organization, and other stakeholders on policy issues related to the management of the DNS, particularly sustaining recognized intellectual property protocols as providing a trusted, reliable foundation for consumer protection. The IPC represents the views and interests of intellectual property owners worldwide, with a particular emphasis on trademark, copyright, and related intellectual property rights and their impact on and interaction with the DNS.

We also represent the interests and concerns of Internet users and Internet operators as consumers of limited Internet resources who depend on strong intellectual property protections to function predictably as an essential element to maintain their online consumer confidence, consumer trust and consumer protection. Our members include individuals, public and privately held companies, law firms, and intellectual property organizations located around the world.

The Intellectual Property Constituency appreciates the opportunity to comment on the Review of Reviews Draft Report of 25 June 2026. The IPC remains committed to ICANN's multi-stakeholder model, but the Draft Report raises serious concerns for accountability, transparency, and the ability of the community to collaborate on meaningful improvements. This comment incorporates by reference the IPC Comment on the Refined Outline of 18 April 2026 submitted prior to the ICANN86 Policy Forum in Seville (attached).

The Draft Report represents a significant advance from outline to Bylaws-ready architecture. While the IPC recognizes the considerable work of the Cross Community Group (CCG), the move toward detailed text has in several respects materially increased, rather than resolved, the concerns

previously identified by the IPC. This comment identifies those new changes and proposes concrete amendments.

Historical Context Regarding the Reviews

The Specific and Organizational Reviews are not administrative conveniences. They are structural accountability mechanisms that were central to the United States Government's decision to relinquish its stewardship of the IANA functions in 2016.

The 2009 Affirmation of Commitments (AoC) between ICANN and the U.S. Department of Commerce established recurring reviews on four topics: Accountability and Transparency, Security, Stability and Resiliency, WHOIS Policy, and Competition, Consumer Trust and Consumer Choice. The AoC stated that ICANN commits to maintain and improve robust mechanisms for public input, accountability, and transparency so as to ensure that the outcomes of its decision-making will reflect the public interest. These reviews were placed on a specific timeline to prevent drift.

During the IANA Stewardship Transition, the National Telecommunications and Information Administration (NTIA) set criteria that any proposal must support and enhance the multi-stakeholder model and maintain the openness of the Internet. In response, the Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability) recommended moving the AoC reviews into ICANN's Bylaws to make them permanent and enforceable post-transition. The transition discussions also stressed that the possibility that ICANN might lose the IANA contract provided an independent check on ICANN's monopoly position, and that post-transition accountability must mirror that check. The reviews were designed to be that check. Consolidating, eliminating, or erecting barriers to reviews reverses commitments and nullifies undertakings made to the global community as a condition of the transition.

Intellectual Property Rights as a Consumer Protection Imperative in the DNS

ICANN's legitimacy rests on its commitment to act in the public interest and to promote consumer trust in the DNS. The most direct and measurable way consumers experience that trust is through source identification: when an Internet user sees a domain name that incorporates a brand, they reasonably rely on that signal as shorthand for who stands behind a website, email, or online service. Intellectual property rights, particularly trademark rights, are the legal infrastructure that makes that reliance possible and predictable at global scale.

DNS abuse that undermines that reliance and predictability frequently begins with misdirection, that is, domains that imitate or trade on trusted source identifiers to divert users into phishing, payment fraud, credential

theft, malware delivery, or counterfeit marketplaces. When policy choices impede the ability of rights holders to prevent, investigate, and remediate abusive registrations, the result is not merely brand harm; it is a reduction in consumer safety and a measurable degradation of consumer confidence in the DNS as a reliable addressing system. In this sense, strong intellectual property protection is not a special-interest add-on to ICANN policy, but an essential online consumer protection tool that counters confusion and deters deception.

The community has long recognized this linkage. ICANN's commitments to promote competition, consumer trust, and consumer choice and to enforce its registration data and WHOIS-related obligations were built on the understanding that consumer trust depends on accountability and enforceability. Rights Protection Mechanisms (RPMs) such as the Uniform Domain-Name Dispute-Resolution Policy (UDRP) and related procedures exist precisely because the DNS marketplace cannot function credibly if actors can obscure or falsify their identity, free-ride on a rightsholder's time-honored goodwill and evade meaningful consequences.

Accordingly, any reconfiguration of ICANN's Reviews framework should be evaluated through a consumer protection lens: does it preserve the stakeholder community's practical ability to assess whether ICANN is meeting its commitments on consumer trust, registration data accuracy, and the effectiveness of RPMs? If review initiation thresholds are set so high that registration data and consumer-trust safeguards become functionally unreviewable, then the multi-stakeholder community loses a principal means of ensuring that the DNS continues to support reliable source identification for its website operators and end users.

New Changes Since Seville and the Refined Outline of 18 April 2026 That Concern the IPC

The IPC has compared the Draft Report of 25 June 2026 with the Refined Outline of 18 April 2026 that was discussed in Seville. While the overall three-pillar structure of Accountability and Transparency Review, Structural Review, and On-Demand Review is retained, the Draft Report introduces several substantive changes that were not present in the Seville materials and that heighten IPC concerns.

Power Concentrated in the Reviews Scoping Committee

The Draft Report formalizes a standing Reviews Scoping Committee, or RSC, as a central coordination mechanism across the refreshed framework. In the Refined Outline, this body was described as a Scoping Group. It is defined in Section 2 as a standing committee that will function as a process management body for review scoping activities across the refreshed ICANN Reviews framework, screening review topics against established criteria, assessing dependencies and resource implications, coordinating review timing, developing review charters, and confirming

whether applicable SO and AC support thresholds have been satisfied. The proposed composition includes a representative from the leadership of each Supporting Organization and Advisory Committee, a representative from the ICANN Board, a representative from ICANN org, and leadership from the immediately preceding relevant review effort. The IPC is concerned that this structure concentrates agenda-setting power in a small leadership body without requirements for public meetings, published minutes and rationales, appeal rights, or expertise in intellectual property, consumer protection, DNS abuse mitigation, or rights protection mechanisms. *This reverses the Affirmation of Commitments bargain where reviews were an independent check on ICANN, including on the Board and the organization.*

Deferrals of ATRT Negatively Impacts Consideration of Specific Review Topics

The Draft Report codifies a new process to defer the Accountability and Transparency Review. Under Section 3.1.1.5, the RSC may recommend deferral, which must be clearly justified and time-bound, with agreement required from five SOs and ACs for a first deferral and six SOs and ACs for a second deferral. A maximum of two deferrals can be accommodated, with a maximum duration of 18 months for the first and 12 months for the second. This means that an ATR scheduled every five years could be delayed by up to 30 months, resulting in a 7.5-year cycle. The AoC placed reviews on a specific timeline to prevent drift. A 7.5-year ATR would undermine timely assessment of consumer trust commitments, including the effectiveness of rights protection mechanisms during the next round of new gTLDs.

Structural Reviews 15 year Cadence is too Long to be Meaningful

The Structural Review now carries a cadence of 15 years, bracketed in the Draft Report to indicate that the CCG welcomes input and that some participants suggest a 10-year window. The Review is deferrable subject to community agreement under Section 3.1.2.4, with similar safeguards to the ATR. With deferrals, a Structural Review could be delayed to 17.5 years. The IPC questions whether a 15-year interval is consistent with an assessment of whether ICANN's structures remain fit for purpose in light of the rapid evolution of DNS abuse and the upcoming new gTLD round.

Specific Reviews are Downgraded to an Optional Process Under the Bylaws

The treatment of Security, Stability and Resiliency, Registration Directory Service, Competition, Consumer Trust and Consumer Choice, and Review of Reviews has changed fundamentally. The Draft Report states in Section 3 that the issues and areas covered by Specific Reviews currently articulated in Section 4.6 of the ICANN Bylaws would continue to be called out in the Bylaws, but mechanisms to conduct these would evolve. Under

Section 3.2.2, SSR, RDS, CCT and Review of Reviews would be addressed through a Bylaws-mandated process to determine on a specified cadence whether there are any issues that need to be reviewed before the next regularly scheduled ATR and, if so, to scope such reviews. The cadence is defined as two years after Board action on Accountability and Transparency Review recommendations, rotating between SSR and RDS, every ten years for Review of Reviews, and within two years of the first delegation in the current round of new gTLDs and thereafter as an On-Demand review for CCT.

The IPC views this as a downgrade from a Bylaws-level commitment to periodic review to an optional, on-demand determination. Past RDS reviews produced concrete improvements, including the RDS lookup interface tool, better ICANN compliance, privacy and proxy oversight, and RDS accuracy studies. Making RDS optional and rotating with SSR means a minimum gap of four years after ATR action, and potentially seven to nine years in total when combined with the ATR cycle and deferrals. For CCT, tying the review to within two years of first delegation misunderstands the IPC's long-held position that competition, consumer trust and consumer choice cannot be measured at delegation; abuse, confusion and security impacts must be measured after operational data exists, over multiple years.

The Threshold for the On-Demand Reviews is Unreasonably High

The Draft Report establishes a double threshold for convening On-Demand Reviews. Under Section 3.2.2.4, the RSC asks SO and AC leadership to solicit interest, each SO or AC may identify up to three topics, the RSC compiles the set, and should there be support by a minimum of two SOs and ACs after due consultation, the RSC considers the proposed review issues. After screening and feasibility assessment and public comment, alignment requires support by a minimum of five SOs and ACs before charter drafting proceeds. Section 3.2.3 for Other Matters that Require Review follows a similar pattern, requiring a minimum of two SOs and ACs raising a suggested topic in charter format, five SOs and ACs after consultation to move to discussion, and five again after public comment for endorsement. The IPC flagged in April that supermajority thresholds would entrench the status quo by making it procedurally impossible for the community to initiate reviews except in extraordinary circumstances. The Draft Report institutionalizes that barrier.

Instead, the IPC proposes that any request by a SO/AC or by any Stakeholder Group of a SO/AC should trigger the convening of the Specific Reviews that are currently identified in the Bylaws. This ensures that minority topics that may not be supported by the entire GNSO, such as related to the RDS, will receive due consideration, as is currently guaranteed by the ICANN Bylaws today.

Reviews Must Not Preclude Policy Development Topics

The purpose definition in Section 1.2 and the scoping criteria in Sections 3.1.1.4 and 3.2.2.4 introduce two exclusions that the IPC specifically warned about. The purpose is defined as assessing whether ICANN is fulfilling its Mission and complying with its Bylaws, Articles, Commitments, Core Values, and Article 3 transparency obligations. Each review is described as examining specifically scoped, community-prioritized existing procedures and processes, and cannot be used as a vehicle for mitigating, relitigating or influencing ongoing processes. Topics are tested against criteria including no duplication of existing work and not a topic for policy development. Review Teams have historically touched policy, and when they did, the Board sent recommendations to the GNSO following appropriate processes. Cutting policy topics out of reviews means ICANN's policy work, implementation and related operations would run with no independent oversight. Limiting reviews to current processes rather than future processes also undermines the ability to assess the design of the next gTLD round.

Implementation Teams Should Include Community Experts

Section 4 on Implementation of Review Outcomes introduces positive elements, including that the relevant Review Team would remain active until Board action on their Final Report and the use of Implementation Review Teams to support oversight. The IPC supports continuity, but this requires transparency and assurance that IRTs will include community experts and that the RSC's monitoring role will be exercised through open and transparent deliberations consistent with ICANN's Transparency Obligations.

Alignment with the GAC Communiqué from Seville – ICANN86

The Governmental Advisory Committee Communiqué from Seville, dated 15 June 2026, addresses the Review of Reviews as an Issue of Importance.

The GAC stated that critical reviews that are fundamental to ICANN's core mission, particularly the Security, Stability, and Resiliency Review, must be explicitly accounted for in any revised review framework, with a binding commitment to regular, predictable cycles. The IPC strongly agrees with the GAC on this point. The Draft Report moves SSR, along with RDS and CCT, into an On-Demand framework under Section 3.2.2 with a rotating cadence of two years after Board action on ATR and no binding guarantee of a standalone review. This is contrary to the GAC's request for a binding commitment to regular, predictable cycles. For the IPC, this concern extends equally to RDS and CCT. SSR is foundational to trust in the DNS as secure, stable and resilient, which directly impacts the ability of rights holders and consumers to rely on the DNS. RDS is foundational to the ability to investigate and remediate abuse, including phishing and

counterfeiting that undermines consumer trust, a topic on which the GAC Public Safety Working Group and the IPC have long aligned, as reflected in GAC Seville Communiqué Sections IV.2 on DNS Abuse Mitigation and IV.3 on Domain Name Registration Data. CCT is the only mechanism to measure whether new gTLDs promote competition and consumer trust or create confusion and abuse. The IPC therefore requests that the Final Report explicitly restore a binding, predictable Bylaws commitment for SSR, RDS, and CCT, consistent with GAC advice. At a minimum, SSR should be placed on a fixed three-year cycle independent of the ATR, and RDS should retain a mandatory assessment of registration data accuracy, privacy and proxy service transparency, and access for legitimate interests.

The GAC stated that the CCG's proposal should be consistent with a form-follows-function approach, considering whether distinct reviews on the fulfilment of the mission and goals of ICANN and on its organisation to achieve such goals are really warranted or whether one single type of review for functional and organisational aspects could be a better fit, ensuring that the final proposal avoids duplications and unnecessary use of resources. The IPC shares the GAC's concern about duplication and resource burden, a concern that the IPC raised in April regarding concurrent reviews leading to a backlog in implementation. However, form-follows-function must not be used to justify eliminating substantive review topics under the guise of efficiency. The Draft Report proposes a new 15-year Structural Review, potentially extending to 17.5 years with deferrals, while optionalizing mission-critical Specific Reviews. This does not satisfy form-follows-function. If the CCG maintains two scheduled reviews, the IPC requests clear justification that a 15-year Structural Review meets functional needs given the rapid evolution of DNS abuse and the next gTLD round. The IPC agrees with the GAC that one well-scoped functional review with guaranteed tracks for SSR, RDS, and CCT may be more efficient than creating a new long-horizon Structural Review while making Specific Reviews optional.

The GAC's parallel Issues of Importance in Seville on DNS Abuse Mitigation and Domain Name Registration Data reinforce the IPC's core argument. The GAC reiterated the need for mandatory reporting requirements for DNS abuse by registrars and welcomed progress on Associated Domain Checks. In Section IV.3, the GAC reiterated that ICANN should maintain a permanent centralized mechanism to facilitate requests for disclosure of domain registration data, requiring mandatory participation by gTLD registrars, better integration for registrars' and requestors' systems, participation by privacy and proxy services affiliated with registrars, and support for urgent request processing and law enforcement authentication. The GAC also urged work toward an accreditation system that helps prevent misuse of privacy and proxy

services, so that registration data records reliably indicate whether a privacy or proxy service was used. If Reviews no longer guarantee assessment of RDS implementation and effectiveness, the community loses its only independent check on these shared GAC and IPC priorities. The IPC therefore urges the CCG to treat the GAC Seville Communiqué as reinforcing IPC's recommendations.

Banning Policy Topics Weakens Accountability

The new framework would make optional the required Registration Directory Services review. That means the community loses the path that led to past improvements: the RDS lookup interface tool, better ICANN compliance, privacy and proxy oversight, and RDS accuracy studies.

Review Teams do sometimes touch policy. When they have, the Board sent their recommendations to the GNSO, following the appropriate processes. Cutting policy topics out of reviews means ICANN's policy work, implementation and related operations would run with no independent oversight. The IPC requests that the prohibition on policy topics be removed and replaced with language that Review Teams may recommend that policy be considered by the appropriate Supporting Organization, following established Policy Development Process referral procedures. Similarly, the prohibition that reviews cannot be used as a vehicle for influencing ongoing processes should be removed. Reviews should be tools that identify weaknesses in ongoing processes and provide guidance for improvement.

Proposed Standards for Initiating Reviews Are Too High

The Draft Report raises the evidentiary and community-support thresholds for triggering both scheduled and on-demand reviews. In practice, these supermajority thresholds will entrench the status quo by making it procedurally impossible for the community to initiate reviews except in extraordinary circumstances. Reviews should be an accountability mechanism, not an exceptional event. The Affirmation of Commitments was designed to ensure recurring reviews on key aspects of ICANN's operations under a specific timeline. Erecting new barriers undermines the bottom-up nature of ICANN that the United States Government and global community required before relinquishing NTIA's stewardship role. As noted in transition commentary, a key concern was to ensure ICANN is sufficiently insulated against capture by governments or other narrow interests and that an independent review process is in place to adjudicate and issue binding judgments. Thresholds that cannot be met defeat that purpose. The IPC requests that the threshold be amended to two SOs and ACs to propose a topic and four SOs and ACs to approve a charter, with minority statement rights if a review is blocked.

The IPC also notes that the Draft Report does not address a scenario where the threshold for agreement on a topic is not met at all and asks the CCG to provide a solution that will result in timely conduct of the ATR

reviews in particular. Also missing is a solution for the scenario where the RSC approves a topic but the ICANN Board rejects it. In this regard, the IPC recommends that the CCG develop a policy recommendation for a Bylaws amendment that specifically states that Board failure to approve an ATR Review will constitute grounds supporting a Request for Reconsideration and for an Independent Review Process.

Transparency Requirements Must Be Preserved

The transparency obligations now codified in ICANN's Bylaws and operating procedures were not accidental. They were carefully negotiated during the IANA Stewardship Transition as core safeguards to protect the community from unilateral or rogue actions by ICANN post-transition. NTIA's 2014 criteria required any transition proposal to support and enhance the multistakeholder model and maintain the openness of the Internet. The Affirmation of Commitments, later incorporated into the Bylaws, contains provisions to ensure accountability and transparency in ICANN's decision-making with the goal of protecting the interests of global Internet users. During transition discussions, stakeholders argued ICANN should be transparent to the general public, a requirement that necessitated some form of Freedom of Information Act-like obligations to disclose ICANN records. Weakening review-related transparency now would undo a central pillar of the transition bargain.

The Draft Report proposes to limit Reviews to current ICANN processes rather than applying to new processes that may emerge in the future. It is unclear why such a limit is necessary. The IPC requests that the purpose definition be expanded to include assessment of whether ICANN policies and their implementation promote competition, consumer trust, choice, and rights protection, consistent with AoC Section 9.3 and Bylaws Section 4.6(d) - (e), and that reviews be permitted to assess future processes as well as current ones.

IPC Recommendations

The IPC urges the Review of Reviews Cross Community Group to revise the Draft Report to align with the accountability and transparency framework that made the IANA Transition possible and with the advice of the Governmental Advisory Committee in its Seville Communiqué.

Intellectual property protections and rights protection mechanisms should be treated as consumer protection infrastructure that reduces confusion and deters deception in the DNS, as recognized in the GAC's parallel work on DNS abuse and registration data.

Meaningful, workable review pathways should be preserved for commitments most closely tied to consumer trust, including registration data obligations and the effectiveness of rights protection mechanisms, with binding, predictable cycles as requested by the GAC, particularly for

SSR, and by extension for RDS and CCT.

Procedural thresholds that make it practically impossible for the community to examine whether safeguards are keeping pace with evolving abuse, such as phishing and impersonation schemes, should be avoided. The IPC proposes that any request by a SO/AC or by any Stakeholder Group of a SO/AC should trigger the convening of the Specific Reviews that are currently identified in the Bylaws.

The Draft Report does not address a fact situation where the threshold for agreement on a topic is not met at all and asks the CCG to provide a solution that will result in timely conduct of the ATR reviews in particular. Also missing is a solution for the scenario where the RSC approves a topic but the ICANN Board rejects it. In this regard, the IPC recommends that the CCG develop a policy recommendation for a Bylaws amendment that specifically states that Board failure to approve an ATR Review will constitute grounds supporting a Request for Reconsideration and for an Independent Review Process.

All Specific Reviews should be preserved as distinct tracks, particularly SSR and RDS, and should remain on a predictable schedule. If a Structural Review is retained, it should be on a 10-year cadence, not 15 years.

Weakening these mechanisms risks undermining trust in ICANN and the multistakeholder model itself, at a time when the next gTLD round and evolving DNS abuse demand more, not less, accountability.

Respectfully submitted,

Intellectual Property Constituency