

Tucows public comment: Updated ICANN Community Participant Code of Conduct Concerning SOIs

14 July 2025

Tucows welcomes the opportunity to comment on the revised draft [ICANN Community Participant Code of Conduct Concerning Statements of Interest](#) ("Code") and appreciates ICANN Org's work through the drafting process and their consideration of the input offered in the previous Public Comment. The revised draft addresses the Community's concerns and takes appropriate steps to ensure that transparency of interests is formally codified as part of the ICANN Community Ethics Policy.

Empowering leadership

The revised Code clarifies that a group Chair can enforce adherence to this Code by temporarily removing a participant from a group; this is a useful step but does not go far enough. If a participant repeatedly and wilfully violates this Code, what recourse is available to the Community and who is responsible for enforcing the SOI transparency obligations? We encourage clarification that a group Chair may temporarily *or permanently* remove a participant for violations—and that the Office of the Ombuds will support these actions, both in form and in substance.

There remain questions about how issues with members of the leadership team would be addressed under this Code. What happens if the conflict lies with that Chair or if the Chair has indicated they will not further address a concern raised by a Community member? What happens if a person disagrees with a chair's decision? We encourage, as part of the clarification noted above, that the Office of the Ombuds be empowered to enforce the Code, including fielding complaints from members about a Chair or about a Chair's inaction in addition to supporting a Chair's enforcement of the Code.

As the Community develops experience with these revised requirements additional questions may arise for consideration; they can be addressed with the benefit of experience in the next review of this Code.

Setting clear expectations

The inclusion of specific examples in the updated Code is a helpful revision and adds clarity by grounding the Code in real-world scenarios. Tucows appreciates these examples and supports their inclusion.

Tucows notes that it is common for attorneys to disclose their clients in situations where they are advocating to policy-making bodies; in the United States, this is covered under the Lobbying Disclosure Act of 1995 (LDA). In its current form, the LDA mandates not just disclosure prior to advocacy but registration, imposing fines and penalties for failure to do so. This is, of course, not directly analogous to the ICANN space but can, nevertheless, be instructive. ICANN-participating attorneys should have no concerns about disclosing, in the ICANN context, their interests in a manner much less onerous than the LDA, nor should these requirements be new to them.

Tucows supports the statement in the Code that *"If the participant is a researcher, and their work within ICANN processes supports or advances their research, the fact of such research should be disclosed, as well as the funding source for that research."* Situations where research funding is undisclosed can result in biases—both in input and result—and can allow group participants to attempt to guide output towards areas that benefit them. Without appropriate disclosure of those interests, the Community cannot evaluate whether these outputs are appropriate to the Community as a whole or just to one party's interests.

Further considerations

Tucows had previously stated that this Code should be reviewed annually and supports the Registrar Stakeholder Group (RrSG) suggestion that the Code be reviewed periodically to ensure it is successfully achieving its goals and providing value to the Community. This review should be both periodic and regular and must include public input as well as *objective* insights from an appropriate resource within ICANN Org including the Office of the Ombuds.

Tucows again thanks ICANN Org for their work on this important revision to the ICANN Community Participant Code of Conduct Concerning SOIs and looks forward to its implementation as soon as possible, ideally before the ICANN84 meeting.

Thank you,

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