

Report of Public Comments

Title:	Application for New GNSO Constituency Candidacy-"Public Internet Access/Cybercafe Ecosystem"		
Publication Date:	20 December 2012		
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Comment Period:		Important Information Links	
Comment Open Date:	10 October 2012		Announcement
Comment Close Date:	17 November 2012		Public Comment Box
Reply Close Date:	17 December 2012		View Comments Submitted
Time (UTC):	23:59		Report of Public Comments
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Section I: General Overview and Next Steps			
<p>The purpose of this Public Comment Forum has been to solicit feedback on the Cyber Café Association of India's (CCAOI) Application for Candidacy (AFC) to form a new GNSO Constituency called the "Public Internet Access/Cybercafé Ecosystem (PIA/CC)". The application package submitted by CCAOI requests that the proposed Constituency be approved for recognition within the GNSO's Non-Commercial Stakeholder Group (NCSG) as specified in Step 1-Application Phase of the GNSO Constituency Recognition Process (see http://gns0.icann.org/en/about/form-new-constituency.htm) adopted by the ICANN Board effective June 2011.</p> <p>Within 10 days of the conclusion of the Public Comment/Reply periods (17 December 2012), ICANN Staff is required to publish a Report of the community's feedback concerning this application (this document). According to the process requirements, the NCSG has 90 days from the date of application receipt to formulate an "Accept" or "Reject" decision as to whether the proposed Constituency should proceed to the Step 2-Candidate Phase. The NCSG's decision, together with its supporting rationale, will be forwarded to the ICANN Board for its review and action. For additional details concerning the steps, roles/responsibilities, applicable criteria, actions, and timetables associated with this process, please see the actual procedures (referenced above). A flowchart of the process is also available at http://gns0.icann.org/en/about/form-new-constituency.htm.</p>			
Section II: Contributors			
<p><i>At the time this report was prepared, a total of 3 community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.</i></p>			
Organizations and Groups:			
Name	Submitted by	Initials	
Ad Hoc Group of (21) NCSG Members	Mary S. Wong	N21	

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Individuals:

Name	Affiliation (if provided)	Initials
Brijendra K. Syngal		BKS

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

Twenty-one (21) members of the NCSG, organized informally, submitted a co-signed statement concerning the merits of the application requesting recognition of the Public Internet Access/Cybercafé Ecosystem Constituency (PIA/CC) within the GNSO's Non-Commercial Stakeholder Group. In its submission, N21 carefully points out that the opinions expressed, “should not be interpreted as reflecting any decision made, or to be made, by the NCSG EC [Executive Committee].”

N21’s collective assessment is that the CCAOI’s application has been misdirected and belongs, more appropriately, to the Commercial Stakeholder Group (CSG). N21 concludes, “We have carefully reviewed all the documents and information provided in CCAOI's application, and we are of the firm opinion that it is a commercial organization whose operations do not fit within NCSG's formal charter or objectives.”

There are two reasons proffered by N21 in support of evaluating the proposed PIA/CC as fundamentally commercial and, therefore, inappropriate for the NCSG:

- 1) According to the application, cybercafé members also include "ecommerce service providers", "Internet solution providers" and entrepreneurs, and its plans include the use of a mobile payment platform to alleviate the problem of low credit card usage and cash safety.
- 2) Although N21 acknowledges that “telecenters” can function purely as non-commercial public access Internet points (PAIPs) for social purposes, cybercafés are, essentially, for-profit enterprises even when located in poor and/or underserved areas.

N21 explains that, according to NCSG Charter provisions, all prospective members must first join the Stakeholder Group and “fulfill its pre-requisites, prime among them being the need to remain resolutely non-commercial in their focus.” N21 further adds, “The fact that individual cybercafés within the wider CCAOI organization may not charge fees to their users does not by itself make either these cybercafés or CCAOI itself a non-commercial organization.”

N21 offers two additional considerations:

- 1) As represented by the formal application, the PIA/CC does not belong with the NCSG; however, if the CCAOI chooses to reconstitute its charter to include only “those members and

elements ... that are purely non-commercial,” the application could be revisited.

- 2) If it is determined that the CCAOI’s proposed PIA/CC fits neither within the NCSG nor the CSG, perhaps there is an organizational or structural limitation that should be addressed by the GNSO community in concert with the ICANN Board's Structural Improvements Committee (SIC).

BKS, submitting two briefly worded emails to the Public Comment Forum, writes:

- 1) “WE Support CCAOI's Application for Constituency (AFC) to ICANN, which would further strengthen the position of emerging nations.”
- 2) “We support CCAOI application for ICANN enlistment. pls include them.”

[Staff notes that, although the pronoun “We” is used in both submissions, nothing in the email contents identifies or alludes to a specific group affiliation].

Section IV: Analysis of Comments

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.

As discussed in Section I, according to provisions of the GNSO Constituency Recognition process, the NCSG has 90 days from application receipt date to formulate an "Accept" or "Reject" decision as to whether the proposed Constituency should proceed to Step 2-Candidate Phase. In respect of the NCSG’s assigned responsibility to evaluate the merits of the application, Staff analysis and/or commentary concerning this Public Comment Forum’s community input will be deferred pending the outcome of the NCSG’s deliberations.