

**Subject:** Re: [Ext] Re: RPM PDP Phase 1 Report public comments -- longer submissions and deadline extension [REDACTED]

**Date:** Friday, May 15, 2020 at 8:55:36 AM Pacific Daylight Time

**From:** George Kirikos

**To:** ICANN Complaints Office

As I note in today's blog post:

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_freespeech.com\\_2020\\_05\\_15\\_icann-2Drpm-2Dpdp-2Dphase-2D1-2Dcomment-2Dperiod-2Dis-2Danother-2Dsham-2Dpart-2D6\\_&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=0HadoWerBOd6z1JTSwDsel0ZFvwFofO7lMjEztbac3o&m=ED9SWQ-ZQMHTUNmb7yINrp7ZU8iHKDxeyNnArjNQ-xg&s=l2aUXa3c-VE49-ktWk5b47qJbvXkCLvo9MA2v-lcdPA&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_freespeech.com_2020_05_15_icann-2Drpm-2Dpdp-2Dphase-2D1-2Dcomment-2Dperiod-2Dis-2Danother-2Dsham-2Dpart-2D6_&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=0HadoWerBOd6z1JTSwDsel0ZFvwFofO7lMjEztbac3o&m=ED9SWQ-ZQMHTUNmb7yINrp7ZU8iHKDxeyNnArjNQ-xg&s=l2aUXa3c-VE49-ktWk5b47qJbvXkCLvo9MA2v-lcdPA&e=)

ICANN staff are actively violating the Open Data Initiative, which says:

"Achieving this means implementing a specialized open data publishing platform, which allows anyone to find, search, and download data in a variety of ways, supporting as many open standards as possible."

ICANN staff are literally refusing to allow [REDACTED], [REDACTED], myself and others from downloading the data, because they disabled the export options, and also refused the requests made on the mailing list.

Sincerely,

George Kirikos

[REDACTED]

On Tue, May 5, 2020 at 7:26 AM George Kirikos [REDACTED] wrote:

>  
> P.S. [REDACTED] comment that I quoted in the prior email was  
> from cell GK40.

>  
> Sincerely,

>  
> George Kirikos

> [REDACTED]

>  
> On Tue, May 5, 2020 at 7:24 AM George Kirikos [REDACTED] wrote:

>>  
>> Hi Krista,  
>>

>> Thanks for your email. I think if you consult the public comments:

>>

>> [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_docs.google.com\\_spreadsheets\\_d\\_1VX5swylTsUMDOZu5t-5Fa2bhohiqUDnLQg7Yqf1CtvSYM\\_edit-23gid-3D503474786&d=DwlFaQ&c=FmY1u3Pjp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=0HadoWerBOD6z1JTSwDsel0ZFvWfOfO7IMjEtzbac3o&m=ED9SWQ-ZQMHTUNmb7yINrp7ZU8iHKDxeyNnArjNQ\\_xg&s=ZQPojg9FYVPWdE5tPkprray3PMpBMe-gN\\_g2JrvMKqo&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_spreadsheets_d_1VX5swylTsUMDOZu5t-5Fa2bhohiqUDnLQg7Yqf1CtvSYM_edit-23gid-3D503474786&d=DwlFaQ&c=FmY1u3Pjp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=0HadoWerBOD6z1JTSwDsel0ZFvWfOfO7IMjEtzbac3o&m=ED9SWQ-ZQMHTUNmb7yINrp7ZU8iHKDxeyNnArjNQ_xg&s=ZQPojg9FYVPWdE5tPkprray3PMpBMe-gN_g2JrvMKqo&e=)

>>

>> they validate and reinforce my concerns. For example:

>>

>> 1. lack of responses from non-English fluent stakeholders, due to lack  
>> of translation of entire initial report (every response was in  
>> English, and the list of those responding appear to be dominated by  
>> those from North America and Europe).

>>

>> 2. large sections of responses skipped by numerous stakeholders, with  
>> some even explicit as to why, e.g. [REDACTED], the 2nd  
>> largest registrar wrote:

>>

>> "We would ideally be able to review and comment on the entire Initial  
>> Report, however due to the significant volume of information in this  
>> Report we were unable to do so" (cell GK36)

>>

>> [REDACTED] wrote:

>>

>> "For the record, this is one of the most confusing and complex public  
>> comment processes I have ever been part of. The sections are all  
>> confusing - the questions how they relate to each section is  
>> confusing. The report is entirely unorganized - first going over URS,  
>> than Trademark Clearinghouse, than Sunrise, and back to URS again. Why  
>> did the working group not create three separate public comment  
>> processes on each large group (URS, Trademark Clearing House, and  
>> Sunrise?)

>>

>> Expecting the community and registrants would spend countless hours  
>> going through a 147-page report - is misguided. Who has time to go  
>> through all of these questions related to the 147 page report - with  
>> hundreds and hundreds of questions. This is all so overwhelming.

>>

>> If the goal of the Working Group was to make this public comment  
>> process as complex as possible - congratulations - you have  
>> succeeded."

>>

>> 3. the use of the Google Forms were criticized by others, e.g.

>>

>> [REDACTED] wrote:

>>

>> "Do not use a google form or any sort of paginated HTML form in the  
>> future, and ensure that all documents sent out relating to the form  
>> subscribe to standards of accessibility and editability." (cell GK56)

>>

>> as did [REDACTED] (GK20), identical comment (presumably [REDACTED]  
>> read the prior comment by [REDACTED], and agreed)

>>

>> Those were just some of the people who were explicit, and on the record within the comment period itself. Typically only a fraction of those experiencing problems take the time to publicly note them, vocalizing their concerns rather than suffering in silence.

>>

>> Obviously those entirely dissuaded or prevented from commenting are not having their complaints recorded via those submissions.

>>

>> 4. In addition to the above, it seems that some anomalies exist and/or outright "gaming" took place via the comment submissions. For example, some people and/or organizations have filled out the form multiple times.

>>

>> a) [REDACTED] (rows 2 and 25, as of now -- assuming [REDACTED] doesn't delete some duplicates later)

>>

>> b) [REDACTED] employees (rows 7, 8, and 9)

>>

>> c) [REDACTED] (rows 33, 43, and 47)

>>

>> If you go to the "Edit" menu, the "Export Options" have been disabled, so I'm unable to download the entire spreadsheet for further analysis offline, which would be faster and more efficient. So, the above is just a preliminary analysis.

>>

>> I look forward to following up with you, so that the process can be improved to ensure maximum participation by affected stakeholders.

>>

>> Sincerely,

>>

>> George Kirikos

>>

>>

>>

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>>

>> On Mon, May 4, 2020 at 10:00 PM Complaints <[complaints@icann.org](mailto:complaints@icann.org)> wrote:

>>>

>>> Hi George,

>>>

>>> I am following up on our email exchange from last week. As I stated in my message on Friday, I've begun researching your concern regarding the the Phase 1 Initial Report of the Review of All Rights Protection Mechanisms in All gTLDs Policy Development Process public comment forum. I understand that the forum is closing and that your comments were successfully submitted. However, as the ICANN Complaints Officer it is my responsibility to receive, research, review, analyze, and resolve issues as openly as possible. Although your comments were ultimately submitted, I will be looking into whether there is an opportunity for improvements to be made for future processes.

>>>

>>> The way the complaints process works is that I first research what happened by speaking with the various ICANN org staff responsible for the public comment forum process. Once I complete my research, I will then draft a formal response to you to explain my findings and to share what improvements, if any, are being recommended to or made by the org. I want to set your expectations that it takes time for me to thoroughly research the circumstances

and to draft an appropriate response. I endeavor to keep you updated along the way so you know that your issue is actively being looked at and worked on. Please know you can always reach back out to me and the best way to do so is to reply to this email thread as it will associate your communication with the 'ticket' that is in my complaint management system.

>>>

>>> As I believe you are aware, both your complaint and my response will be published on the Complaints Office webpage on the icann.org website, with appropriate redactions. Complaints and responses are typically published within two weeks after month end. I also want to point out that the Terms and Conditions for Submission to the Complaints Office are noted at the end of this message.

>>>

>>> I will follow up with you again within two-weeks, or on 18 May 2020.

>>>

>>> Thank you,

>>> Krista Papac

>>> Complaints Officer

>>> ICANN

>>>

>>> Terms and Conditions for Submission to the Complaints Office

>>> Submitted complaints will be handled in accordance with the ICANN bylaws and the ICANN Privacy Policy. By submitting this document to [complaints@icann.org](mailto:complaints@icann.org) you acknowledge that the complaints process shall operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness. Except as noted above, information you submit is subject to being published on the ICANN website.

>>>

>>>

>>> ----- Original Message -----

>>> From: George Kirikos [REDACTED]

>>> Sent: 5/1/2020 6:57 PM

>>> To: [complaints@icann.org](mailto:complaints@icann.org)

>>> Subject: Re: [Ext] Re: RPM PDP Phase 1 Report public comments -- longer submissions and deadline extension [REDACTED]

[REDACTED]

>>>

>>> Hi Krista,

>>>

>>> The deadline for submissions is Monday, so by that point the matter

>>> might be "moot", but at least this complaint will be on the record.

>>>

>>> This really should be a rather simple thing. Even the ICANN website says:

>>>

>>> [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.icann.org\\_policy-23what-5Fis-5Fpolicy&d=DwlFaQ&c=FmY1u3Pjp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=0HadoWerBOd6z1JTSwDsel0ZFvwFofO7IMjEtbac3o&m=\\_KEhIQSWHCuJQEKRk7f0sPpmH1MRZzuFkYvX2RZn-U&s=unw9YKi5NjpE4jr6qi9PW90tAJSO2bf12sm0HaEYGxg&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.icann.org_policy-23what-5Fis-5Fpolicy&d=DwlFaQ&c=FmY1u3Pjp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=0HadoWerBOd6z1JTSwDsel0ZFvwFofO7IMjEtbac3o&m=_KEhIQSWHCuJQEKRk7f0sPpmH1MRZzuFkYvX2RZn-U&s=unw9YKi5NjpE4jr6qi9PW90tAJSO2bf12sm0HaEYGxg&e=)

>>>

>>> "The ICANN Community works hard to improve and streamline its policy

>>> development mechanisms so as many global stakeholders as possible can

>>> participate and have their voices heard."

>>>

>>> They're just not doing that.

>>>

>>> I'll be working on my submission tonight and over the weekend, to at

>>> least have it in DOCX and/or PDF format by Monday (I'm on question

>>> #127 out of #192 as I type this).

>>>

>>> Sincerely,

>>>

>>> George Kirikos

>>>

>>>

>>>

>>>

>>>

>>> On Fri, May 1, 2020 at 9:47 PM Complaints <[complaints@icann.org](mailto:complaints@icann.org)> wrote:

> >>

> >> Dear George,

> >>

> >> Thank you for your submission. I am writing to confirm receipt and to let you know I will look into this on Monday and get back to you.

> >>

> >> If you wish to get in touch with me, please respond to this message.

> >>

> >> Kind regards,

> >> Krista Papac

> >> Complaints Officer

> >> ICANN

> >>

> >> Terms and Conditions for Submission to the Complaints Office

> >> Submitted complaints will be handled in accordance with the ICANN bylaws and the ICANN Privacy Policy. By submitting this document to [complaints@icann.org](mailto:complaints@icann.org) you acknowledge that the complaints process shall operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness. Except as noted above, information you submit is subject to being published on the ICANN website.

> >>

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