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ICANN, CCT-RT

## Letter of Motivation

**Re: Call for Volunteers for Competition, Consumer Trust and Consumer Choice Review Team**

Dear Sir/Madam,

As part of its Affirmation of Commitments ('AoC') requirements, ICANN is currently seeking volunteers to serve on the Competition, Consumer Trust and Consumer Choice Review Team ('CCT-RT'). I would like to propose myself for the position on that Team, in representation of ccNSO or, alternatively, as an Independent Expert (for which references can be provided).

As background, I am the General Counsel and Deputy Director Industry Affairs for the Information and Communications Technology Authority ('ICTA') in the Cayman Islands. At a high level, the ICTA has responsibility to regulate the Communications, IT and Media sectors. As part of my role, I oversee the effective management and control of the .ky domain space, having among other things set-up and implemented the ICTA's .ky dispute resolution policies. I also attend ICANN on behalf of the ICTA as a member of ccNSO and the GAC.

While I have not participated in any previous ICANN reviews (though I have been on many other reviews e.g. on Cayman Islands copyright law), what I can bring to the Review Team is my subject-matter expertise, enthusiasm, dedication and a 'fresh pair of eyes' to the process and issues under review. If appointed, I will devote a substantial amount of time to the review process and be open, collegiate and consensus-based in my considerations and input.

The CCT Review Team's mandate under the AoC is to *"examine the extent to which the introduction or expansion of gTLDs has **promoted competition, consumer trust and consumer choice**, as well as **effectiveness of (a) the application and evaluation process, and (b) safeguards put in place to mitigate issues involved in the introduction or expansion.**"* (My emphasis added.)

With the highlighted areas in mind, I have the necessary knowledge and experience to bring to the Review Team, with noted expertise in competition and consumer issues within the Communications (including numbering), IT and Media sectors. For example, I have provided legal advice and led on various competition investigations in those areas, which have included the analysis and application of empirical research. I have also drafted and enforced various

related consumer protection measures in the UK (based on UK/EU laws) and the Cayman Islands. I have presented on, and written about, such subject areas.

More specifically, I am the lead legal adviser to CIRT-KY, which has been set up to enhance the security and resilience of the Cayman Islands' critical infrastructure. The CIRT-KY looks to prevent and mitigate DNS and security threats. Also, I have advised on IP rights protection both in the public and private sectors, having for example been involved in the drafting of the UK's Digital Economy Bill 2010, looked at broadcasting rights enforcement in the Caribbean and been an Independent Expert on Nominet's Domain Name Dispute Resolution Panel since 2008.

On the Review process itself, the CCT-RT will have to determine from the outset what 'themes' to focus its time and resources on in line with its given remit. For example, it will need to look at various competition/consumer issues, such as market definitions, substitutability, potential for consumer abuse and how consumers should be protected, as well as ensuring any assignment process is fair and robust.

In this context, I have led on and managed various policy/procedure reviews looking at competition and consumer choice issues such as the allocation of telephone numbers, the introduction of number portability in the Cayman Islands in 2012 (allowing consumers to switch their telecoms provider without having to change their telephone number), and reviewing and opening up wholesale network competition. In relation to the wholesale network project, as a consequence of the ICTA's review new Licensees entered the market.

Completing such projects on time and within budget involved me utilising my project management skills, which included managing inputs, being inclusive in discussions, managing the drafting of/drafting Board submissions, and applying risk judgments for the organisation. To aid the 'timeliness' of this process, I helped set up an outcomes-focused project list which details the various projects the ICTA is pushing forward (e.g. this year, one of the ICTA's themes is to enhance the robustness and resilience of telecoms networks). The ICTA management team meets on a regular basis to consider the progress and priority of those projects.

Having a legal background, I understand the importance of ensuring that there is trust in the outcome of a review such as CCT-RT. Given this, the governance and procedures of such a Review Team need to be clear and fair, the persons involved in those processes should have a voice, appropriate information should be collected and any outcome must be transparent, objective and based on the evidence. These are disciplines I can bring to this role if chosen.

For the reasons above, I ask that you look favourably on my application.

Yours faithfully

[Signed]

Dr Russell Richardson