

Independent Objector

Independent Objector Position Description

ICANN seeks to engage a person or an organization to operate as the Independent Objector for the New gTLD Program (see below for more details about the Program and the purpose of the Independent Objector role itself).

The Independent Objector shall:

- be impartial, make a thorough statement of interest, and be unaffiliated with any known potential TLD applicants; and
- act solely in the best interests of the public who use the global Internet when determining whether to file an objection to a given application.

Time Commitment

For the first round of applications in the New gTLD Program, the Independent Objector will be expected to make a twelve-month commitment starting on or about 1 April 2012.

The *first phase* will last approximately seven months (from before the posting of all applications through approximately two weeks beyond the initial detailed evaluation of the new gTLD applications). During that period, the Independent Objector will be expected to review the submitted new gTLD applications and determine whether to file objections to those applications because they are contrary to the public interest. (This “Initial Evaluation” period encompasses the series of reviews performed on all gTLD applications to ensure that they meet the established criteria.)

The *second phase* of the Independent Objector’s role will require the Independent Objector, or counsel engaged by the Independent Objector, to complete the research and to draft and file objections with the appropriate dispute resolution service provider. This second phase of work will commence as soon as the decision to file objections is made and will overlap with the first phase.

During the *third phase*, the objection proceedings themselves, the Independent Objector is expected to direct the prosecution of any Independent Objector-initiated objection proceedings and respond to any inquiries from the dispute resolution panels.

The amount of time needed to perform the tasks in any of the three phases will be at the discretion of the Independent Objector, but the Independent Objector will be required to contractually agree to perform services in a first-rate manner. The Independent Objector will

also be required to publicly report the Independent Objector's activities and time spent on those various activities.

Required or Highly Preferred Skills

- Detailed analytical and judgment skills required to accurately identify those (and only those) TLD strings that would be in conflict with the public interest, as set forth in Community and Limited Public Interest objection standards.
- Demonstrated ability to show impartiality in decision-making.
- Ability to objectively review and analyze comments suggesting that objections be filed, and ensure that such comments are fully and objectively considered when making decisions
- Excellent problem-solving skills.
- Ability to gather information, perform a comprehensive analysis, and provide an expert opinion.
- Ability to research and develop factually supported arguments against a particular new gTLD Application, or the ability to manage outside counsel in doing so.
- Strong communication skills, including an ability to communicate effectively with individuals from various backgrounds and cultures.
- Demonstrated awareness of how decisions impact the applicant, the public and Internet.
- Extensive understanding of dispute resolution processes.
- Understanding how national laws, rules and regulations can/should affect a global resource, particularly in relation to the topics for which the Independent Objector has standing to file objections.

Required or Highly Preferred Experience

- Familiarity with the Internet and ICANN's role, as well as some understanding of the New gTLD Program's Objection and Dispute Resolution Procedures.
- Extensive experience working with multinational organizations.
- Awareness and understanding of a variety of cultures.

- Proven ability to communicate complex and often controversial information, concepts, and positions, both verbally and in writing, to internal and external international audiences.
- Ability to convene appropriate global, highly qualified, non-conflicted legal counsel to file objections and participate in dispute resolution proceedings, and to work collaboratively with counsel to manage the objection through the dispute resolution process.
- Fluency in English and at least one other major language required.
- Experience working with non-profit organizations.

Contract, Fees, Budget, Logistics

The Independent Objector will be engaged through a contract with ICANN. The Independent Objector will be compensated fairly. Presently, it is planned that any party serving as the Independent Objector will be limited to serving for a maximum of three rounds, which will probably occur over a period of several years. At the conclusion of each round, and if the Independent Objector is interested in continuing in that role, ICANN will conduct an evaluation to determine whether to contract with the Independent Objector for another round.

In addition to the base fee referenced above, the Independent Objector will have a dedicated budget to cover the necessary cost of the objection proceedings, including filing fees and panel fees as required. In addition, the Independent Objector may choose to use a portion of the dedicated budget for administrative assistance as needed. The Independent Objector will be responsible for establishing a transparent reporting process on the use of funds.

The Independent Objector shall be an independent decision maker in determining which applications merit objection. In order to promote the independence of the Independent Objector, ICANN will not provide the Independent Objector with a place to work, so it is anticipated that the Independent Objector will provide its own offices and equipment for the performance of the Independent Objector function. There will be some reporting requirements to ICANN, as well as the public, which will be specified in the contract with ICANN.

Some travel may be required, including for training with respect to the New gTLD Program.

Background and Overview of the New gTLD Program and the Role of the Independent Objector

ICANN is a not-for-profit, multi-stakeholder organization dedicated to coordinating the Internet's addressing system. One of its foundational principles has been to promote competition in the domain name marketplace while ensuring Internet security and stability.

Following these principles, one of ICANN's key policy making bodies, the Generic Names Supporting Organization (GNSO), developed a policy for the introduction of new generic Top Level Domains (gTLDs). gTLDs is the technical term for the suffixes – extensions such as dot-com, dot-org, dot-info – which appear at the end of Internet domain names. Such a policy will allow for more innovation and choice in the Internet's addressing system. ICANN adopted the policy in June 2008.

This decision was not made without extensive public discussion and consideration. A detailed and lengthy consultation process with all constituencies of the global Internet community including representation by a wide variety of stakeholders – governments, individuals, civil society, business and intellectual property constituencies, and the technology community, was followed. Contributing to this process were ICANN's Governmental Advisory Committee, At-Large Advisory Committee, Country Code Names Supporting Organization, and Security and Stability Advisory Committee.

ICANN has worked collaboratively with stakeholders to implement the approved policy recommendations. The Board of Directors voted in June 2011 to authorize launch of the New gTLD Program. The application submission period is expected to open on 12 January 2012.

The program implementation details are available in the Applicant Guidebook, designed to guide potential applicants through the new gTLD application and evaluation processes. See <http://www.icann.org/en/topics/new-gtlds/rfp-clean-19sep11-en.pdf>.

The application evaluation process contains mechanisms to protect certain defined interests and rights by providing a path for parties to file formal objections to applications on certain grounds. A formal objection would trigger a dispute resolution proceeding by an expert panel in the relevant subject area.

One component of the objection process is an Independent Objector or IO. The IO does not act on behalf of any particular persons or entities, but acts solely in the best interests of the public who use the global Internet. In light of this public interest goal, the IO is limited to filing Limited Public Interest and Community-Based objections.

1. Limited Public Interest – The applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognized under international principles of law.
2. Community Objection – There is substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted.

More on these grounds for Objection can be found specifically in Module 3 of the Applicant Guidebook at <http://www.icann.org/en/topics/new-gtlds/objection-procedures-clean-19sep11->

[en.pdf](#) and in the New gTLD Objection Procedures at <http://www.icann.org/en/topics/new-gtlds/new-gtld-drp-clean-19sep11-en.pdf>.

Neither ICANN staff nor the ICANN Board of Directors has authority to direct or require the IO to file or not file any particular objection. The IO should, however, consider public comments when making an independent assessment whether an objection is warranted. The public comment fora are a mechanism for the public to bring relevant information and issues to the attention of the IO. If the IO determines that an objection should be filed, the IO will initiate and prosecute the objection in the public interest.

Overview of ICANN

ICANN is a not-for-profit, public-benefit corporation with stakeholders from around the globe. ICANN mission is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems. In particular, ICANN:

1. Coordinates the allocation and assignment of the three sets of unique identifiers for the Internet, which are
 - a. Domain names (forming a system referred to as "DNS");
 - b. Internet protocol ("IP") addresses and autonomous system ("AS") numbers;
and
 - c. Protocol port and parameter numbers.
2. Coordinates the operation and evolution of the DNS root name server system.
3. Coordinates policy development reasonably and appropriately related to these technical functions.

Please go to www.icann.org for more information on ICANN's core values, processes and scope of activities.