

The ICANN GNSO “Business Constituency”



ICANN Business Constituency (BC) Comment on

[Updated ICANN Community Participant Code of Conduct Concerning SOIs](#)

14-Jul-2025

Background

This document provides input from the ICANN Business Constituency (BC), from the perspective of business users and registrants. We advocate for ICANN policy that:

1. promotes end-user confidence because it is a safe place to conduct business
2. is competitive in the supply of registry and registrar and related services
3. is technically stable, secure and reliable.

General Comment

The BC appreciates the opportunity to comment on the updated ICANN Community Participant Code of Conduct Concerning Statements of Interest (“the Code”). We commend ICANN Org for its responsiveness to community feedback following the initial October 2024 draft and the discussions during ICANN82. The inclusion of examples, clarification of disclosure expectations and overall intent to support transparency and accountability in the ICANN multistakeholder model are welcome developments.

The BC acknowledges the importance of having a clear and enforceable Code that reflects the diversity of interests across the ICANN community while reinforcing the principles of openness, integrity and informed participation. The BC supports the Code’s evolution as a living document within the broader ICANN Community Ethics Policy framework.

The BC reiterates its concerns regarding ICANN Org’s contravention of centuries of well-established jurisprudence regarding attorneys’ duties concerning client representation. As stated by ICANN Org:

However, when that attorney starts participating within processes, such as participating in mailing lists, making public comments, joining working groups, etc., on behalf of that client, the client’s and attorney’s obligations to the broader ICANN community emerge.

While the BC supports transparency and appropriate disclosure as foundational to ICANN’s multistakeholder model, we believe the Code must also recognize the ethical and legal

obligations that govern attorney-client relationships. Requiring lawyers to disclose confidential affiliations in ways that conflict with these obligations could unintentionally exclude valuable legal expertise from community participation thereby undermining ICANN's goals of inclusivity and informed deliberation. We urge ICANN to ensure that the Code promotes transparency while respecting professional ethics, so that participation remains both principled and diverse.

Key areas of requested focus for further public comment

1. Are there further areas where the Code should be updated prior to adoption in order to set clear expectations for community disclosure of interests?
2. Are there different or additional examples that should be offered in the section on DISCUSSION AND EXAMPLES TO SUPPORT TRAINING, COMPLIANCE, AND ENFORCEMENT?

Our positions on the key areas of focus are explained below:

Specific Comments

1. Clarity in Disclosure Obligations

The BC supports efforts to ensure all ICANN participants are clear on when disclosures are required. However, we recommend that the language in the Code provide additional clarification regarding the underlisted:

- A. Frequency of updates to Statements of Interest - For instance, should participants update only when their status changes or on a regular schedule?
- B. Scope of interest - Further examples of both direct and indirect interest (financial, organisational or otherwise) would actually help participants better assess what needs to be disclosed
- C. Group participation - Further guidance should be provided for participants who may be involved in multiple constituencies or stakeholder groups, to clarify when and how to disclose potentially overlapping roles or affiliations.

2. Additional Examples to Support Training, Compliance and Enforcement

The BC appreciates the introduction of illustrative examples. We suggest including more refined cases such as

- A. A participant who is an advisor to private company bidding for a registry contract
- B. A community member who is a silent partner in an organisation lobbying for DNS related policy changes
- C. A participant who represents a civil society group but receives funding from a business with DNS related interests.

Including such examples will help the community develop a better understanding of real world conflicts of interest and how to handle them in line with the Code.

3. Enforcement and Accountability

- A. While the Code references enforcement mechanisms, the BC emphasizes the need for:
A clear, fair and transparent enforcement process, ideally with community input in design and periodic review.
- B. A confidential reporting mechanism to allow concerns to be raised without fear of retaliation
- C. An appeal process to address any disputes or perceived misapplications of the Code.

These mechanisms will help sustain trust in the system and encourage more adherence.

4. Training and Capacity Building

The BC encourages ICANN Org to roll out mandatory onboarding and periodic refresher training for all participants in leadership or decision making roles. This will ensure the Code is not merely a reference document but a living tool for ethical participation. Also, translation and regional adaptation of the training materials will help accommodate diverse participants, especially from underrepresented regions and non English speaking communities.

5. Public Accessibility and Form Simplification

- A. We support the move to make disclosure processes more streamlined and publicly accessible. Nonetheless, ICANN Org should ensure that:
 - a. Forms and templates used for the Statements of Interest are user friendly and accessible.
 - b. Participants are given reminders or prompts to update their disclosures when necessary

Conclusion

The BC welcomes the updated Code as a positive step toward enhanced transparency and accountability in ICANN community processes, provided it is fairly applied. We encourage continued engagement with the community to ensure the Code remains practical, fair and reflective of the diverse environments in which ICANN operates. We stand ready to collaborate on future refinements and to contribute to the development of effective training and enforcement frameworks that will support the Code's successful implementation.

This comment was drafted by Segun Omoloshio. It was approved in accordance with our [Charter](#).