GNSO gTLD Registry Stakeholder Group Statement

Issue: **Process for Recognition of New GNSO Constituencies, SIC Draft: 10 January 2011**

Date: 9 February 2011

Issue Document URL:
    http://www.icann.org/en/announcements/announcement-02feb11-en.htm

Regarding the issue noted above, the following comments represent the views of the ICANN GNSO gTLD Registries Stakeholder Group (RySG) as indicated at the end of this document. Unless stated otherwise, the RySG comments were arrived at through a combination of RySG email list discussion and RySG meetings (including teleconference meetings).

Comments are provided following the applicable section of the SIC Draft.

III. Procedures

Referring to the two main steps of the proposed process, the second sentence of the first paragraph of this section says "At the end of each step, an evaluation will be conducted by the applicable Stakeholder Group Executive Committee (SGEx), which will determine whether the application is approved to proceed to the next phase subject to Board ratification." The RySG anticipates revising its charter to define the requirements for the SGEx to act in this regard.

STEP 1. Application Phase

3) a) Uniqueness and Representational Focus (page 2)

The first sentence reads: "In order to properly accommodate a new Constituency in accordance with this criterion, proponents may recommend a restructure of the SG's membership and/or the representational elements of one or more existing (or proposed) Constituencies." The RySG believes that the proponents should be encouraged to discuss possible restructure options with the applicable SG. That should increase the chances of the proponents understanding the issues of the SG structure and would hopefully improve the probability of the recommended restructure being acceptable to the SG.

D. SGEx Reconsideration (page 3)

The second paragraph of this section says ". . . the SGEx may engage in a dialogue as appropriate with the ICANN Board . . ." How would the SGEx do this? A process should be defined in the procedures to facilitate such interaction in a timely and predictable manner if the SGEx decides to do this. This is especially important because of the time limits for various steps.

STEP 2. Candidate Phase

E. SGEx Reconsideration (page 6)

The second paragraph says: "During its review and consideration of the decision of the ICANN Board, the SGEx may engage in a dialogue with the ICANN Board, the Candidate Constituency, as well as consult with the SG community, including the GNSO Council." We repeat an earlier question: How would the SGEx do this with the Board? And we add a new question: How would the SGEx do this with the GNSO Council? We recommend that processes for both of these be defined in the procedures to ensure that such interactions can happen in a timely and predictable manner. In both the case of the Board and the Council, they hold meetings relatively infrequently. In addition, they are each made up of many individual members who may not be able to speak for the full body. Moreover, in the case of the Council, Constituency and SG members also are responsible for communicating with their respective groups. Any processes proposed should address these complexities.

Recognized Constituency (page 7)

It seems likely that SG charters will have to be revised to deal with new constituencies. Therefore, the RySG suggests that this document be augmented to discuss that.

Appendix 1 - Applicant Constituency Evaluation Criteria

4) Applicant Constituency Community Support and Diversity

The first paragraph reads as follows: "For Constituencies comprised primarily of organizations, criterion (a) will apply. For Constituencies comprised primarily of individuals, criterion (b) will apply." What happens if a constituency allows for both organizational membership and individual membership and there is not a preponderance of either type?

Criterion (b) says "Seven of these individuals must be located in each of at least four ICANN Geographic Regions or at least four individuals from all five Geographic Regions." Should the second option say ". . . or at least four individuals from each of all five Geographic Regions"?

Appendix 2 - Candidate Constituency Evaluation Criteria

The fourth qualification to become a Recognized Constituency states that the Candidate Constituency must: "Have demonstrated active engagement in the applicable Stakeholder Group by becoming a participant in at least two committees with its representatives attending at least 50% of the scheduled meetings." This requirement may be impossible to meet in cases where a SG does not use committees. The RySG is a case in point. An alternative way to word this might be like this: "Have demonstrated active

engagement in the applicable Stakeholder Group by becoming a participant in at least two SG activities with its representatives attending at least 50% of the scheduled meetings related to the activities or regular SG meetings as applicable."

It appears that requirement 5)b) needs the following edit, identical to the edit suggested for criterion b) in Appendix 1 above: "Show a membership count of seventy (70) individual members with fourteen individuals located in each of at least four ICANN Geographic Regions or at least seven individuals from each of all five ICANN Geographic Regions."

RySG Level of Support for These Comments

1. **Level of Support of Active Members**: Majority

    1.1. # of Members in Favor: 8

    1.2. # of Members Opposed: 0

    1.3. # of Members that Abstained: 0

    1.4. # of Members that did not vote: 5

Minority Position(s): N/A

2. **General impact on the RySG**: If a group of gTLD registries decides to apply as a new constituency of the RySG, then the RySG will be required to follow whatever process is ultimately approved by the Board for recognition of new GNSO Constituencies.

3. **Financial impact on the RySG**: Because the RySG operates mostly with volunteers, there would probably not be any direct costs but there could be some indirect costs. The RySG pays the salary and expenses of a Secretariat. To the extent that the Secretariat workload would increase as a result of the RySG involvement in the process for recognition of a new constituency and/or as a result of increased workload in the future because of the addition of a new constituency in the RySG, the RySG secretariat costs could increase.

4. **Analysis of the period of time that would likely be necessary to implement the policy**: It is estimated that the RySG would need about three months to modify its charter to accommodate the new process.

General RySG Information

- ▪   Total # of eligible RySG Members[1]: 14

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[1] All top-level domain sponsors or registry operators that have agreements with ICANN to provide Registry Services in support of one or more gTLDs are eligible for membership upon the "effective date" set forth in the operator's or sponsor's agreement (RySG Articles of Operation, Article III, Membership, ¶ 1). The RySG Articles of Operation can be found at <http://gnso.icann.org/files/gnso/en/improvements/registries-sg-proposed-charter-30jul09-en.pdf>. The Universal Postal Union recently concluded the .POST agreement with ICANN, but as of this writing the UPU has not applied for RySG membership.

- Total # of RySG Members: 13
- Total # of Active RySG Members[2]: 13
- Minimum requirement for supermajority of Active Members: 9
- Minimum requirement for majority of Active Members: 7
- # of Members that participated in this process: 13

Names of Members that participated in this process:
1. Afilias (.info & .mobi)
2. DotAsia Organisation (.asia)
3. DotCooperation (.coop)
4. Employ Media (.jobs)
5. Fundació puntCAT (.cat)
6. Museum Domain Management Association – MuseDoma (.museum)
7. NeuStar (.biz)
8. Public Interest Registry - PIR (.org)
9. RegistryPro (.pro)
10. Societe Internationale de Telecommunication Aeronautiques – SITA (.aero)
11. Telnic (.tel)
12. Tralliance Registry Management Company (TRMC) (.travel)
13. VeriSign (.com, .name, & .net)

- Names & email addresses for points of contact
    - Chair: David Maher, dmaher@pir.org
    - Alternate Chair: Keith Drazek, kdrazek@verisign.com
    - Secretariat: Cherie Stubbs, Cherstubbs@aol.com
    - RySG representative for this statement: Chuck Gomes, cgomes@verisign.com

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[2] Per the RySG Articles of Operation, Article III, Membership, ¶ 6: Members shall be classified as "Active" or "Inactive". A member shall be classified as "Active" unless it is classified as "Inactive" pursuant to the provisions of this paragraph. Members become Inactive by failing to participate in a RySG meeting or voting process for a total of three consecutive meetings or voting processes or both. An Inactive member shall have all rights and duties of membership other than being counted as present or absent in the determination of a quorum. An Inactive member may resume Active status at any time by participating in a RySG meeting or by voting