

GNSO gTLD Registries Stakeholder Group Statement

Issue: Policy Development Process Work Team Proposed Final Report & Recommendations

Date: 30 March 2011

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

The comments below are mostly organized by the section of the proposed final report. Note that the RySG supports the recommendations except as noted below.

General Comment

For some of the recommendations in the report, it is stated whether the recommendation applies to the PDP or the PDP Manual; in other cases it is not clear. It would be helpful from an implementation point of view to state this in every case.

Process Flow Chart (pp.6-7)

On page 6, the Council Vote box says “In Scope: 33% of the Council Members”. It should say “In Scope: 33% of each house or 66% of one house”. (See the voting thresholds in the ICANN Bylaws)

Recommendation 4 (p.10)

The WT recommends use of a template but does not suggest that the template be mandatory. The advantage of a template is that it minimizes chances of getting incomplete information and facilitates processing of the information received. Moreover, templates can be designed with enough flexibility to allow for varying situations. The RySG suggests that a template be designed in a flexible manner so that use of the template can be required.

Recommendation 6 (p.11)

This recommendation raises the question of whether a PDP is considered in scope. In scope for what? It would be helpful to better define this. Does it mean in scope for ‘possible consensus policies’ as defined in registry and registrar agreements? Does it mean in scope with regard to the GNSO’s mission and/or ICANN’s mission? Does it

mean in scope for a PDP? The RySG notes that some of these distinctions are made in recommendations 7, 8 and 23, but suggests that they be made in this recommendation as well.

Recommendation 13 (p.14)

The following terms used in this recommendation need definitions: ‘public interest’ and ‘consumer trust’. Without agreed-to definitions, impact analyses can yield inconsistent results.

In addition, care should be taken with regard to impact analyses about ‘competition’ and ‘human rights’. It is important that any analysis of competition be performed by qualified competition authorities and that analysis of human rights be based on international principles of law because of the wide variations of local laws in this regard.

Recommendation 19 (p.16)

The last sentence says “Any modifications to a Working Group Charter made after adoption by the GNSO Council of such Charter, however, may be adopted by a majority vote of the GNSO Council (as such term is currently defined in the Bylaws).” To make the recommendations clear it is suggested that the recommendation be worded to explicitly state what a ‘majority’ vote means according to GNSO Operating Procedures and the ICANN Bylaws. In this case we recommend this sentence be changed to “Any modifications to a Working Group Charter made after adoption by the GNSO Council of such Charter, however, may be adopted by a majority vote of each house of the GNSO Council ~~(as such term is currently defined in the Bylaws).~~”

Recommendation 21 (p.17)

The RySG compliments the WT for including provisions requiring responses to ACs and SOs because this is an area that has been seriously neglected in the GNSO. But we suggest that the WT consider more detailed procedures for communication and responses to the GAC in an effort to try to improve the involvement of the GAC and/or GAC members earlier in policy development and policy implementation efforts. We also suggest that interim procedures be included regarding the involvement of community working groups in a GNSO policy development process until such time that community working group procedures are developed and implemented.

Recommendation 23 (p.17)

The WT defines ‘in scope’ as ‘within scope of ICANN’s mission and more specifically the role of the GNSO’ in contrast to the “contracted parties’ definition of ‘consensus policies’”. We agree that this is one definition of ‘in scope’ and that this definition is important. But suggest that the definition of ‘in scope’ with regard to possible consensus policies be included here for clarity.

Recommendation 24 (p.18)

It would be helpful if some examples of possible different working methods be provided.

Recommendation 31, (p.20)

The role of the GNSO with regard to implementation of approved policies has often been unclear. The RySG suggests that the WT make some recommendations in this regard. Some possible questions are: 1) should the GNSO have approval rights for implementation plans? 2) What should the GNSO do if implementation plans are not consistent with approved policy?

Recommendation 37 (p.21)

Because many people do not understand the GNSO bicameral voting system and to avoid the necessity of looking up the definition of supermajority, we recommend that this recommendation be reworded as follows: “. . . and passes a motion with **at least 75% of one house and a simple majority of the other house.**” Assuming Recommendation 48 is approved, the rewording would be like this: “. . . and passes a motion with **at least 75% of one house and a simple majority of the other house or with at least 2/3 of each house.**”

Recommendation 38 (p.22)

We suggest that a clarification be added that states that only one delay may be requested regardless of what SG requests the delay.

Recommendation 42 (p.24)

The first part of this recommendation states the following: “The PDP-WT recommends that the provisions in relation to the Board Vote in the ICANN Bylaws remain essentially unchanged, but recognizes that the current provision 13f is not clear especially in relation to what ‘act’ means. Some members of the WT suggest that this should be interpreted in a narrow sense (the Board cannot declare a recommendation as a Consensus Policy under the applicable ICANN Contracts if that recommendation was not approved by the required GNSO voting threshold).” The RySG supports this interpretation and suggests that the Bylaws be modified to make it clear.

Recommendation 48 (p.26)

The current wording is confusing. We suggest rewording this to something like the following: “The WT recommends that the definition of a ‘GNSO Supermajority vote’ is redefined as 2/3 of the Council members of each house or 75% of one house and a majority of the other house.”

Summary of RySG Support

1. Level of Support of Active Members: Unanimous
 - 1.1. # of Members in Favor: 13
 - 1.2. # of Members Opposed: 0
 - 1.3. # of Members that Abstained: 0
 - 1.4. # of Members that did not vote: 0
2. Minority Position(s): N/A
3. General impact on the RySG: N/A
4. Financial impact on the RySG: N/A
5. Analysis of the period of time that would likely be necessary to implement the policy:
N/A

General RySG Information

- Total # of eligible RySG Members¹: 14
- Total # of RySG Members: 13
- Total # of Active RySG Members²: 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)

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.

² r 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.

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