<u>Registries Stakeholder Group comments on GNSO Working Group Guidelines</u>
[http://www.icann.org/en/public-comment/#working-group-guidelines]

<u>Introduction</u>

The Registries Stakeholder Group [RSG] welcomes this opportunity to comment on the GNSO Working Group Guidelines and thanks the PPSC Working Group Work Team [WT] for its efforts in producing the document currently posted for public consultation. Working Groups play an important role in ICANN's bottom-up policy development process and the principles and guidelines set out in the Working Group Guidelines document will help ensure quality and consistency across the board.

The comments that follow represent a consensus position of the RSG as further detailed at the end of the document.

<u>General Comments</u>

The term '*Chartering Organization (CO)*' is used throughout the document rather than an explicit reference to the GNSO Council, other than by way of example (see **Paragraph 1.3**). It is unclear if the reason for doing so is because the WT envisages that these Guidelines will be used by ICANN bodies such as Constituency and Stakeholder Groups as well as by the Working Groups. Clarity around this point would be helpful.

Additionally, it may be useful if the Guidelines discussed who would typically be responsible for the drafting of a Working Group Charter and when this document would be drafted.

<u>Section 2, Roles & Responsibilities</u>

Paragraph 2.1.2: It is unclear if there is any real difference between a 'Statement of Interest' and a 'Disclosure of Interest'. Both documents appear to include "*a declaration of direct or indirect interests that may affect a Relevant Party's judgment, or be perceived to affect that individual's judgment*". Would it be possible for a WG member to submit just one of these documents or are these documents interchangeable in any way?

Paragraph 2.2: The draft Guidelines state that "*the liaison is expected to play a neutral role . . .*" It may be preferable to state that "*the liaison is expected to play a neutral role in communicating information from the Working Group to the CO and vice versa . . .*" The RySG is of the opinion that it may prove challenging to recruit a volunteer Liaison who is not also representing a Constituency or SG. Therefore, the Guidelines should distinguish between the different hats that a Liaison could be wearing at any one time and notwithstanding this ability to wear multiple hats throughout the process, the Liaison should always be clear about which views are being represented.

While **Paragraph 2.2** sets out the responsibilities and functions of the typical Working Group roles, the RySG suggests that it may be helpful if the Guidelines go further and provide some minimal criteria around the necessary skills and qualities for the Chair, Vice Chairs etc. In particular, since the CO has to approve the Chair, it would be helpful if the CO was able to base its approval decision on some specific criteria.

Section 3, Norms

Paragraph 3.6: The categories for reporting the WG level of support are noted as:

- *Unanimous consensus;*
- *Rough consensus;*
- *Strong support but significant opposition* and
- *No consensus.*

While the RySG is in agreement that specific percentage levels ought to be avoided when it comes to illustrating the different categories of support, the broad terms indicated in the Guidelines document could give rise to some confusion. For example, the term '*strong support*' could potentially be misinterpreted to mean a higher level of support than is meant with the term '*rough consensus*'. To avoid this misinterpretation, the RySG suggests the use of an alternative term such as '*mixed support*'. Also, the term '*no consensus*' could possibly be understood to apply to '*strong support but significant opposition*' and as such, it may be better to use a term such as '*no agreement*'. These changes would help bring additional clarity to the support levels.

While **Paragraph 3.6** notes the facilitator role of the Liaison in the case where there is disagreement on a support designation, that same function is not foreseen in the Appeal Process set out under **Paragraph 3.7** and should be included as an interim step.

Section 4, Session Planning – General Meeting Logistics

The RySG suggests that the Working Group Guidelines document ought to encourage the use of remote participation facilities for those Working Group members that are not able to attend an ICANN meeting in person, rather than simply state the possible availability of same in **Paragraph 4.1.**

Section 6, Charter Guidelines

There is a small typo in **Paragraph 6.1.2:** the word '*perspective*' should be changed to '*prospective*'.

In connection with the statement that "*a Chair should not become an advocate for any specific position*", the RySG notes that while this is no doubt desirable, it is frequently the case, perhaps due to resourcing issues, that those who serve as Chairs must also serve as representatives of their SG or Constituency. Therefore, it would be unwise to exclude

this possibility although in such circumstances, the Chair should identify when she/he is not functioning as Chair and is instead speaking as a representative of her/his SG or Constituency [or in a personal capacity].

In **Paragraph 6.2.3.4** [Disclosure of Interest] there is reference to *"the Working Groups Operating Model Guidebook"*. It would be helpful to clarify if that is a reference to this Working Group Guidelines document or to some other document.

GNSO gTLD Registry Stakeholder Group Statement of Support

A supermajority of 9 RySG members supported this statement.

Total # of eligible RySG Members[1]:

- Total # of RySG Members: 14
- 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. Dot Cooperation LLC (.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)

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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 (Article III, Membership, ¶ 1). The RySG Articles of Operations can be found at http://www.gtldregistries.org/about_us/articles .

[2] Per the RySG Articles of Operations, Article III, Membership, ¶ 4: 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 Constituency meeting or voting process for a total of three consecutive meetings or voting processes or both, or by failing to participate in meetings or voting processes, or both, for six weeks, whichever is shorter. 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 Constituency meeting or by voting.

9. RegistryPro (.pro)

10. Société Internationale de Télécommunication Aéronautiques – SITA (.aero)

11. Telnic, Limited (.tel)

12. Tralliance Registry Management Company (TRMC), (.travel)

13. VeriSign (.com, .net & .name)

- Names & email addresses for points of contact:

    a. Chair: David Maher, dmaher@pir.org

    b. Alternate Chair: Jeff Neuman, Jeff.Neuman@Neustar.us

    c. Secretariat: Cherie Stubbs, *Cherstubbs@aol.com*

Regarding the issue noted above, the level of support in the RySG for the Group statement is summarized below.

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

    1.1. # of Members in Favor: 9

    1.2. # of Members Opposed: 0

    1.3. # of Members that Abstained: 0

    1.4. # of Members that did not vote: 4

2. **Minority Position**(s): N/A