
Overview ccPDP (1)

GAC-ccNSO joint session

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Issue Manager

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- Timeline and Phasing
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Goal of ccPDP (1)

- Variety of reasons ccTLD's not joined ccNSO
 - Perceived problems with aspects of the Bylaws;
 - Inability or unwillingness to put in resources to participate;
 - Lack of interest in the ccNSO and the work of the ccNSO;
 - Opposition to globally structured (self-)regulation and ICANN in particular;
 - Other

Goal of ccPDP(1) cont'nd

- Recommendations for changes to:
 - ICANN Bylaws Article IX (Country-Code Names Supporting Organization);
 - Annex B (ccNSO Policy-Development Process); and
 - Annex C (the Scope of the ccNSO)
- To encourage ccTLD managers to become member of the ccNSO

Goal of ccPDP (3) cont'nd

- Will goal be realized?
 - No indication ccTLD managers joining
- Intrinsic value of ccNSO
Recommendations: “o nsidered as improvement and clarification of the ICANN bylaws on the ccNSO and the ccPDP in the interest of the Members, the Council, the ICANN Board and other stakeholders”

Time line and Phasing (1)

- Tentative sounding of members and non-members ccTLD community
 - Input and comments tentative scope of ccPDP (11 - 25 April)
 - Council decisions (28 April 2005)
 - request issue report
 - Appointment Issue Manager
- Initiation phase (Request Issue Report)
 - Input on definition of issues (3 May 2005)
 - Issue Report (28 may 2005)
 - Council decision initiate ccPDP (6 June 2005)

Time line and Phasing cont'nd

- Comment Period 1 (7 June-16 August 2005)
 - Input and comments requested on issues as defined in Issues report
 - Request to GAC to offer opinion and advice
 - Public hearing & minutes of meeting published
 - Public Comment closed 16 July
 - Initial Report (Issued 16 August 2005)

- Comment Period 2 (16 August-12 October)
 - Input and comments on Initial report
 - Input to Comment Period 2 closed at 14 September (after extension)
 - Final report (Issued 12 October)

Time line and Phasing cont'nd

- Council decisions (8 October - 6 November)
 - Invitation to Chair of GAC to give advise / opinion
 - Council meeting 18 October (telconf.)
 - Email vote on Council Recommendations
 - Approved by 17, Abstentions 1, no vote against
 - Council approval of Members Report
 - Members Report issued 7 November

Time line and Phasing cont'nd

- Membership vote (7 November-28 November)
 - Vote on individual Recommendations
 - 29 out of 45 voted (quorum rule: more than 50 % of membership; 64% voted)
 - All resolutions adopted, no votes against, max. 2 abstentions.
 - (Tentative) Council approval Board Report (2 December)
 - Board Report submission 3 December 2005
- ICANN Board decision process (3 December- ?)
 - Board procedures for bylaw changes & Annex B

ccNSO Recommendation (1)

- *ccNSO Council Recommendation 1*
 - Issue A—NO BINDING POLICY FOR NON-MEMBERS OF THE CCNSO
 - Change Article IX Section 4.2 in accordance with Proposal A to resolve Issue A as defined in the Issues report
 - Amendment to Article IX section 4.2 of the bylaws to clarify the impact of a members resignation from the ccNSO
- Adopted by 27 out of 29 votes lodged

ccNSO Recommendation (2)

- *ccNSO Council Recommendation 2*
 - Issue B—IANA SERVICES
 - Change Article IX Section 4.3 in accordance with Proposal B to resolve Issue B as defined in the Issues report
 - Amendment to the language of Article IX section 4.3
- **Adopted by 28 out of 29 votes lodged**

ccNSO Recommendation (3)

- *Council Recommendation 3*
 - Issue C —AMENDMENT OF ARTICLE IX
 - Change Article IX Section 6 in accordance with Proposal C to resolve Issue C as defined in the Issues report
 - Any change of this article IX shall be recommended to the Board by the ccNSO by use of the procedures of the ccPDP as stated in Annex C to these bylaws, and shall be subject to approval by the Board.
- Adopted by 28 out of 29 votes lodged

ccNSO Recommendations (4)

- *ccNSO Recommendation 4*
 - Issue D—SETTING BINDING POLICIES
 - Part 1. Reflect that a policy only applies by the virtue of being member of the ccNSO if and only to extent that the policy has been:
 - a. **The issue the policy addresses is within scope of the ccNSO (Annex C);**
 - b. Has been developed by use of the ccPDP (Annex B);
 - c. Has been recommended as such by the ccNSO; and
 - d. Is adopted by the Board.
 - Part 2. Amendment of Annex B section 3 b to reflect that a policy cannot be developed which is not within scope.

ccNSO Recommendation (4)

contn'd

- Part 3. Amendment of Annex B section 2
 - Initially General Counsel has opinion the issue is outside Scope of ccNSO (Annex C of the bylaws);
 - ccNSO Council of opinion issue is in Scope
 - Issue Manager initiate reconciliation process between General Counsel and the Council.
 - If no reconciliation supermajority vote of 15 or more to decide the Council issue is within Scope.
 - Both opinion of General Counsel and Council recorded in Issue Report.
- Adopted by 28 out of 29 votes lodged

ccNSO Recommendations (5)

- *ccNSO Recommendation 5*
 - Issue E—BINDING POLICIES OUTSIDE CCPDP
 - Change Article IX Section 1 in accordance with Proposal E to resolve Issue E as defined in the Issues report
 - Policies that apply to ccNSO members by virtue of their membership are only those policies developed according to section 4.10 and 4.11 of this Article. However, the ccNSO may also engage in other activities authorised by its members. Adherence to the results of these activities will be voluntary
- Adopted by 27 out of 29 votes lodged

ccNSO Recommendation (6)

- *ccNSO Council Recommendation 6*
 - Issue F—CHANGES TO CCPDP AND SCOPE
 - Change Article IX Section 6 in accordance with Proposal F to resolve Issue F as defined in the Issues report
 - Remove the word *initially* from Article IX Section 6(a) and section 6(b)
- Adopted by 28 out of 29 votes lodged

ccNSO Recommendations (7)

- *ccNSO Council Recommendation 7*
 - Issue I—MEMBERSHIP QUORUM VOTING ON PDP RECOMMENDATIONS
 - Change Annex B Section 13 of the ICANN bylaws in accordance with Proposal I to resolve Issue I as defined in the Issues report
 - introduction of a quorum of 50 % for a second and final round of voting.
- Adopted by 28 out of 29 votes lodged

ccNSO Recommendation (8)

- *ccNSO Council Recommendation 8*
 - Issue J—REJECTION OF PDP RECOMMENDATIONS BY THE ICANN BOARD
 - Change Annex B Section 15(2c) of the ICANN Bylaws in accordance with Proposal J to resolve Issue J as defined in the Issue Report
 - Introduction of breach of fiduciary duties of a director to the company as criterion for rejection of Supplemental Recommendation to the Board
- Adopted by ccNSO Members

Other relevant ccNSO Council Decisions related to ccPDP

- Issue G- Applicable law
 - Recommendation Issue Manager to get more input
 - Extension Comment Period 2 (closing date t.b.d. future date, no members vote)
 - Joint working group ccNSO-GAC
- Issues H, K and L
 - No Council Recommendation⇒No Members Vote
 - Proposal to look at Scope of ccNSO (Issue L) at later date
 - Initiative with Council

Background Material

- ICANN Bylaws version 08 April 2005 (www.icann.org)
- ccNSO Rules and Procedures (www.ccnso.org)
- ccPDP Reports (www.ccnso.icann.org)
 - Issue Report
 - Initial Report
 - Final report
 - Members Report
 - Board Report (tentatively)