

## ICANN69 Public Forum – Unanswered Questions

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Chris: Thank you for your contributions to this community for the past 20 plus years.

- Stephen Deerhake

**ANSWER FROM ICANN ORG:** Thank you very much for your kind comment.

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My name is Stephen Deerhake, I represent the (saying name), I have been a long-time participant in ICANN, and I am currently one of the three ccNSO councillors for North America. I also serve on the empowered community administration on behalf of the ccNSO. and as some of you may know on the Board, I have developed what some might call a mildly unhealthy addiction to the minutiae of the ICANN bylaws. As we know, ICANN is incorporated in California. It's a nonprofit public benefit corporation under California law, enjoying federal 501c status as a nonprofit under the U.S. federal tax code. The SO/ACs are creatures of the bylaws, and as I recall from the transition discussions, they are also subject to California law as incorporated associations. Yet as SO/AC councillors, of which I am one, we rarely get legal advice from ICANN org on our firm obligations as officers of these unincorporated associations which do not consider useful for ICANN legal to provide briefings to the SO/AC councils and councillors on our obligations as leadership of these unincorporated associations existing under ICANN corp perhaps annually. thank you.

-Stephen Deerhake

**ANSWER FROM ORG:** Thank you for your question on the relationship of ICANN and the other groups identified in the ICANN Bylaws. Given the detail needed to appropriately respond to the question, we are working on a response and will provide an update shortly.

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My Question To Goran Marby is "Will two officials of the same organization holding a position in ICANN or any working group be treated as a conflict of interest as per ICANN's charter?"

-Marc

**This was answered by Chris Disspain during the Public Forum. He advised Marc to send the question directly to ICANN.**

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My name is Sivasubramanian, I am from Nameshop, from India, since 2012 pursuing the new gTLD application for .Internet. The timeline of its application, its background, nuances and the commitments that accompanied are in perspective from the documents transparent from ICANN correspondence. Nameshop wrote to ICANN in June 2020 and during this meeting, and in its request to delegate .Internet, further

expanded on its Public Interest Commitments in view of the pandemic, with an offer to operate .Internet as a clean new space for good, for benevolent collaboration to heal the pandemic and renew, with a request for active involvement from the ICANN community. This is a written request from Nameshop to the Board and the Executive to pay expeditious attention to the communication. Thank you.

*-Sivasubramanian Muthusamy*

**ANSWER FROM ORG:** This question is being handled by the Correspondence process. The response will be posted on the ICANN Correspondence page:

<https://www.icann.org/resources/pages/correspondence>

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Are there existing safeguards, or what safeguards can ICANN provide or promise, that will prevent a contracted party from using contract negotiation with ICANN to avoid or change the outcome of something within the scope of a PDP. The concern is a contracted party being able – through negotiation or the renegotiation of their contract with ICANN - to undermine or overrule a pdp outcome that is the product of the MSM”

*-Vincent Guillard, French Ministry of Foreign Affairs, Paris*

**ANSWER FROM ORG:** Yes, there are safeguards in place to prevent a contractual negotiation from avoiding or contradicting a Consensus Policy. The base contracts for registries and registrars are products of the multi-stakeholder model, they undergo significant community consultation when they are developed or modified, and they require compliance with the Consensus Policies developed by the community. When Registries would like to offer new registry services, or modifications to existing registry services, they abide by the GNSO’s [Registry Services Evaluation Process \(RSEP\) Policy](#) which provides that ICANN will review to ensure the proposed service does not raise significant security, stability or competition concerns. The [Implementation Notes](#) of the policy, contemplate that should a proposed service conflict with a Consensus Policy, the proposed service may not be contractually authorized by ICANN.

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