

7 February 2020

Request to amend Article 10 of the ICANN Bylaws

To: Maarten Botterman, Chair of the ICANN Board of Directors
CC: Chris Disspain, Nigel Roberts, Goran Marby

Dear Maarten:

As a follow-up on our correspondence with respect to the closure of the IDN ccTLD overall policy development effort, I would like to inform you that the ccNSO has launched its fourth policy development process on 19 December 2019, by asking for Issue Report. As indicated in our letter dated 4 September 2019 to the ICANN Board of Directors, the scope of this ccNSO Policy Development Process will be limited.

Secondly, and in line with our earlier letter to you, the ccNSO Council is now requesting an amendment of Article 10 and Annex B of the ICANN Bylaws to enable IDN ccTLD Managers who are interested, to become members of the ccNSO. The proposals for the Bylaw changes are included in the Annex to this letter.

The requested Bylaw changes were included as part of the IDN ccTLD overall policy proposals in 2013 (part 2.2. of the Board Report: https://ccnso.icann.org/sites/default/files/filefield_41859/idn-ccpdp-board-26sep13-en.pdf) and at the time were adopted by both the ccNSO Council and Members. During the ccNSO Members meeting on 6 November 2019, the vast majority of the ccTLD Managers present at the meeting still supported the changes, with no objections.

With respect to the changes, please note that the amendment of the membership definition was updated to cope with the change of that definition as part of the 2016 Bylaw change.

On behalf of the ccNSO Council,



Katrina Sataki, Chair

Annex: Proposals on the inclusion of IDN ccTLD in the ccNSO

A. Membership Definition: It is recommended that the definition in Article 10 (was IX) section 4.a should be updated to maintain the one-to-one correspondence between the IANA Root Zone Database and membership in the ccNSO, while allowing IDN ccTLD Managers to become members of the ccNSO.

Former Relevant section in the Bylaws (pre October 2016 Bylaw Change)

Article IX section 4.1. *“The ccNSO shall have a membership consisting of ccTLD managers. Any ccTLD manager that meets the membership qualifications stated in [paragraph 2 of this Section](#) shall be entitled to be members of the ccNSO. For purposes of this Article, a ccTLD manager is the organization or entity responsible for managing an ISO 3166 country-code top-level domain and referred to in the IANA database under the current heading of “Sponsoring Organization”, or under any later variant, for that country-code top-level domain.”*

Current Relevant section in the Bylaws (per 1 October 2016)

“The ccNSO shall have a membership consisting of ccTLD managers. Any ccTLD manager that meets the membership qualifications stated in [Section 10.4\(b\)](#) shall be entitled to be members of the ccNSO. For purposes of this [Article 10](#), a ccTLD manager is the organization or entity responsible for managing an ISO 3166 country-code top-level domain, or under any later variant, for that country-code top-level domain.”

Proposed change of Article 10 section 4.a

Section 4.a should read: *The ccNSO shall have a membership consisting of ccTLD managers. Any ccTLD manager that meets the membership qualifications stated in [paragraph 2 of this Section](#) shall be entitled to be members of the ccNSO. For purposes of this Article ([Article 10 ICANN Bylaws](#)), a ccTLD manager is the organization or entity responsible for managing a country-code top-level domain, and referenced in the IANA Root Zone Database under the heading of “ccTLD Manager”, or under any later variant thereof, according to the “Delegation Record”, or any later variant, for that country-code top-level domain in the IANA Root Zone Database*

B. Eligibility and selection of ccNSO Councillors: No changes proposed

C. Initiation of a ccPDP: In order to maintain the envisioned balance and taking into account the leading principles, the WG recommends that:

- All members of the ccNSO should be entitled to call for the creation of an Issue Report;
- These members need to be from different Territories;
- The current minimum of 10 members to request the creation of an Issue Report should be maintained.

Relevant section in the Bylaws

Annex B section 1.

Request for an Issue Report.

“An Issue Report may be requested by any of the following:

....

e. Members of the ccNSO. The members of the ccNSO may call for the creation of an Issue Report by an affirmative vote of at least ten members of the ccNSO present at any meeting or voting by e-mail.”

The proposed change to Annex B section 1 of the ICANN Bylaws:

Request for an Issue Report.

“ An Issue Report may be requested by any of the following:

.....

e. “ Members of the ccNSO. The members of the ccNSO may call for the creation of an Issue Report by an affirmative vote of at least ten members of the ccNSO representing at least ten different Territories present at any meeting or voting by e-mail.”

D. Voting: For purposes of formal voting, the ccNSO member(s) from a Territory appoint an emissary. If either only one entity from a Territory is ccNSO member or one entity manages all of the (ASCII or IDN) ccTLDs associated with a specific Territory, by definition the representative of that entity is the emissary.

If there are two or more ccTLD managers in a Territory who have become members of the ccNSO, for purposes of voting in the ccNSO an emissary for that Territory has to be appointed by all members from that Territory.

During the period the emissary has not been appointed by all ccNSO members, the longest standing incumbent member of the ccNSO from that Territory is deemed to vote for that Territory, until such time the ccNSO Council is informed by all members from that Territory of the appointment of an emissary for the Territory.

The ccNSO Council shall maintain a register of emissaries. The rules and procedures to maintain such a register shall be developed in accordance with Article 10 Section 3.(k).

Relevant sections in Article 10 of the Bylaws

Designation of Representative (Article 10 Section 4.e) “Each ccTLD manager may designate in writing a person, organization, or entity to represent the ccTLD manager. In the absence of such a designation, the ccTLD manager shall be represented by the person, organization, or entity listed as the administrative contact in the IANA database”.

Selection of Councilors (Article 10 section 4.i). “...an election by written ballot (which may be by e-mail) shall be held to select the ccNSO Council members from among those nominated (with seconds and acceptances), with ccNSO members from the Geographic Region being entitled to vote in the election through their designated representatives. ...”

Vote on Recommendations ccPDP (Annex B section 13). “Following the submission of the Members Report and within the time designated by the PDP Time Line, the ccNSO members shall be given an opportunity to vote on the Council Recommendation. The vote of members shall be electronic and members' votes shall be lodged over such a period of time as designated in the PDP Time Line.”

Proposed changes to Article 10 and Annex B of the Bylaws

Article 10 Section 4.e.

Each ccTLD manager may designate in writing a person, organization, or entity to represent the ccTLD manager in matters relating to the ccNSO (the Representative). In the absence of such a designation, the person, organization, or entity listed as the administrative contact in the IANA

database shall be deemed to be the designate of the ccTLD manager by whom the ccTLD member shall be represented.

Include new Article 10 Section 4.f, Designation of Emissary: In the event two or more ccTLD Managers from one and the same Territory, are members of the ccNSO, those ccTLD managers are to appoint an Emissary to vote in the specific cases enumerated in this Article on behalf of the members from that country, territory or area of particular geopolitical interest, for purposes of voting in the ccNSO. For the purposes of this Article, and Annexes B and C, Territory is defined to mean the country, dependency or other area of particular geopolitical interest listed on the 'International Standard ISO 3166-1, Codes for the representation of names of countries and their subdivisions – Part 1: Country Codes', or, in some exceptional cases listed on the reserved ISO 3166-1 code elements.

During any period in which an Emissary is not appointed, the ccTLD Manager that has been the member of the ccNSO for the longest period of time is deemed to be the emissary for that Territory.

For any Territory for which there is a single ccTLD manager, the Representative selected by that manager in accordance with Section 4.e shall be the Emissary for the purpose of voting.

Include new Article IX Section 4.f.i, Register of Representatives and Emissaries: The ccNSO Council shall develop and maintain a register of Representatives and Emissaries, in accordance with Article 10 Section 3.k.

Article 10 Sections 4.f through 4.k and internal references need to be renumbered to 4.g through 4.l.

Adjust Article 10 Section 4.i (new 4.j), Selection of Councillors: "...an election by written ballot (which may be by e-mail) shall be held to select the ccNSO Council members from among those nominated (with seconds and acceptances), with ccNSO members from the Geographic Region being entitled to vote in the election through their Emissaries."

Adjust Annex B Section 13, Vote on Recommendations ccPDP: Following the submission of the Members Report and within the time designated by the PDP Time Line, the ccNSO members shall be given an opportunity to vote on the Council Recommendation. The vote of members shall be electronic and through their designated Emissaries. The members' votes shall be lodged over such a period of time as designated in the PDP Time Line.

E. Quorum: One vote per Territory is the preferred principle, the current quorum rule is proposed to be maintained, albeit the relevant sections in the Bylaws need to be adjusted to reflect this principle.

Relevant, current sections in the Bylaws

Article 10 Section 4.i (Election of Councillors by members)

".....In such an election, a majority of all ccNSO members in the Geographic Region entitled to vote shall constitute a quorum,...."

Annex B section 13. "In the event that at least 50% of the ccNSO members lodge votes within the voting period, the resulting vote will be employed without further process. In the event that fewer than 50% of the ccNSO members lodge votes in the first round of voting, the first round will not be employed and the results of a second round of voting, conducted after at least thirty

days notice to the ccNSO members, will be employed irrespective of whether 50% of the ccNSO members lodge votes. In the event that more than 66% of the votes received at the end of the voting period shall be in favour of the Council Recommendation, then the recommendation shall be conveyed to the Board.....”

Article 10 Section 4.i (Election of Councillors by members)

“.....In such an election, a majority of all ccNSO members in the Geographic Region entitled to vote shall constitute a quorum,....”

Proposed changes to Article 10 and Annex B of the Bylaws

Amend Article 10 Section 4.i (new 4.j) (Election of Councilors by members)

“.....In such an election, a majority of the Emissaries entitled to vote in the Geographic Region shall constitute a quorum,....”

Annex B section 13. *“In the event that at least 50% of the Emissaries entitled to vote lodge votes within the voting period, the resulting vote will be employed without further process. In the event that fewer than 50% Emissaries lodge votes in the first round of voting, the first round will not be employed and the results of a second round of voting, conducted after at least thirty days notice to the ccNSO members, will be employed irrespective of whether 50% of the Emissaries lodge votes. In the event that more than 66% of the votes received at the end of the voting period shall be in favour of the Council Recommendation, then the recommendation shall be conveyed to the Board.....”*