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ANNUAL
GENERAL
MEETING

ICANN



1998–2023

IANA Stewardship
Transition



2016–2023



Approval Action Community Forum on a Fundamental Bylaws Amendment

Community Forum moderated by:
The Empowered Community Administration

ICANN Board representative:
Tripti Sinha

26 October 2023



Empowered Community (EC) & Empowered Community Administration (ECA)

- **What is the Empowered Community?**

Is **the mechanism** through which ICANN's Supporting Organizations (SOs) and Advisory Committees (ACs) can organize under California law **to legally enforce community powers** defined in the ICANN Articles of Incorporation and Bylaws.

- **Who are the Decisional Participants in the Empowered Community?**

Address Supporting Organization (ASO)

Country Code Names Supporting Organization (ccNSO)

Generic Names Supporting Organization (GNSO)

At-Large Advisory Committee (ALAC)

Governmental Advisory Committee (GAC)

- **What is the Empowered Community Administration?**

Is the administrative body through which the Empowered Community acts.

- **Strictly clerical role**: Paperwork handling between ICANN Secretary & Decisional Participants.
- **Not a decision making body** (vote counting and reporting results).



What are the Empowered Community Powers?

✗ Reject Standard Bylaw Amendments



✗ Reject ICANN Budgets, Internet Assigned Numbers Authority (IANA) Budgets, Operating Plans and Strategic Plans



The rights of inspection and investigation



Initiate a Community Reconsideration Request, mediation or a Community Independent Review Process



✓ Approve Fundamental Bylaw Amendments, Articles Amendments and Asset Sales



✗ Reject Public Technical Identifiers (PTI) Governance Actions



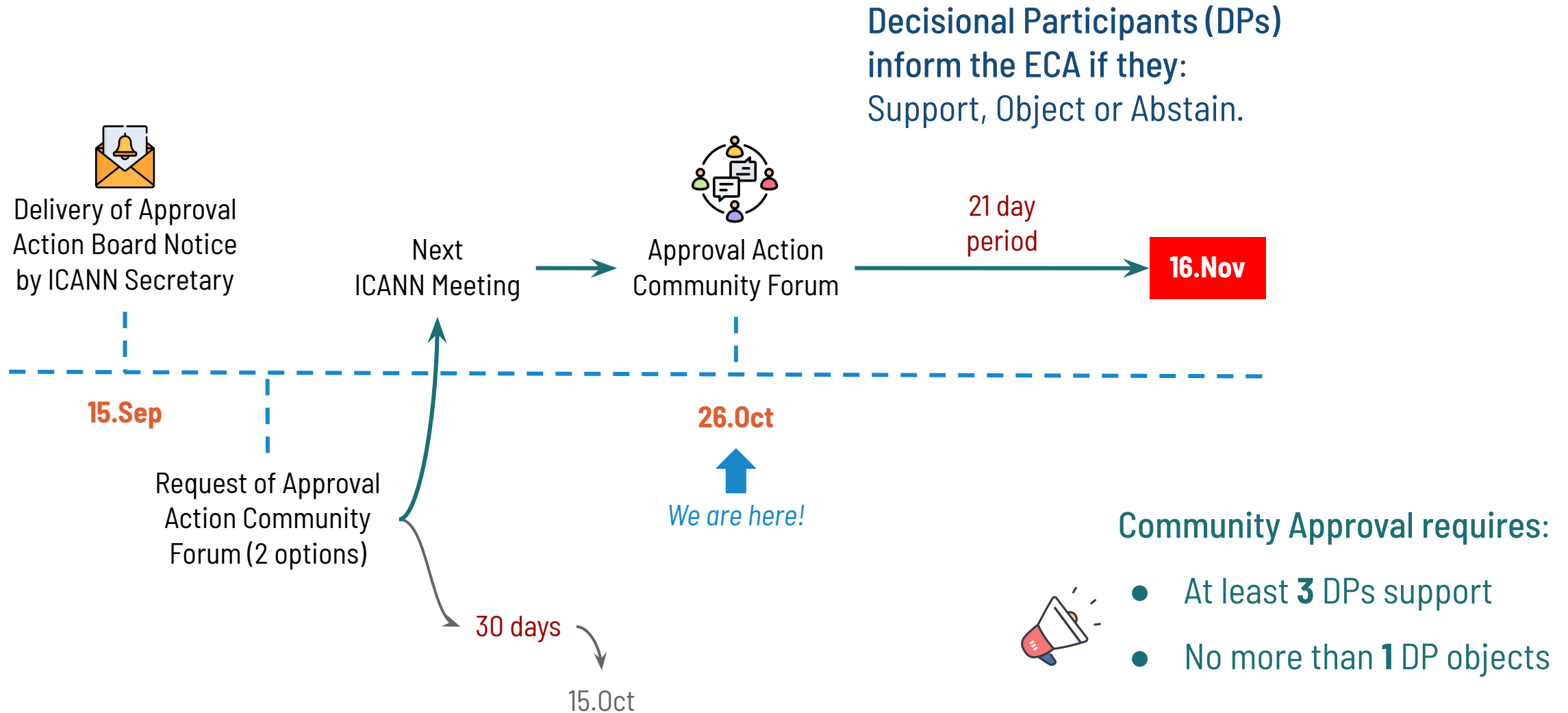
Recall the entire ICANN Board



Appoint and remove individual ICANN Board directors (other than the President)

Require the ICANN Board to re-review its rejection of recommendations from reviews relating to PTI

Timeline - Approval Process



Background

Agenda Item #1

Sources of Bylaws Amendments:

IFR Final Report

Recommendation 3: Amend the Bylaws (Article 18, Section 18.12) to remove a duplicative requirement.

RySG Request

Update Geographic Selection Requirement (following 2019 selection issues)

ICANN org proposals

Clarification of procedural language within the IFR sections

- *Board approval on 10 September 2023*
- *EC Approval Period initiated on 15 September 2023*
- *Community Forum deadline closes on 26 October 2023*

9 March - 18 April 2023 Public Comment Period

- ccNSO Council, RySG, and two individuals submitted comments.
- The comments as a whole support moving forward with the Fundamental Bylaws amendments.
- Comments outside of the scope of the posted proposed amendments:
 - Two commenters requested competing changes to the **frequency of IFRs**.
 - One commenter requested changes to the scope of **IFR responsibilities**.

These suggestions were not taken on. They can be considered within the next IFR.

Fundamental Bylaws Amendments

Agenda Item #2

Background: Scope of Amendments

Article 18 of the Bylaws:

- IFR Final Report (Rec. 3) recommended that Article 18, Section 18.12 of the Bylaws be amended to remove a duplicative requirement.
- During a 2019 Public Comment proceeding on IFR team composition, RySG requested additional changes to the IFR team composition to account for difficulties in achieving geographic diversity among RySG appointees.

Article 19 of the Bylaws:

- Article 19 is being updated to
 - Conform to the 2019 Bylaws amendments regarding ccNSO representative selection
 - Address the same diversity considerations raised by the RySG in relation to Article 18

NOTE: Articles 18 and 19 are “Fundamental Bylaws” requiring Approval Action by the Empowered Community

Fundamental Bylaws Amendments – Article 18

- **Article 18 – Section 2 and 7:** Punctuation addition or removal.
- **Article 18 – Section 6:** Clarification of sequencing of Board consideration of IFR outputs. A key part of these clarifications includes re-ordering the paragraphs regarding the timing of Board consideration of IFR outputs, including clearer definition of what constitutes a Board rejection and when the Empowered Community has an opportunity to consider rejecting that rejection.
- **Article 18 – Section 8:** Clarification of Geographic Diversity Requirements in Composition; Renumbering of internal references for the IFR Chair selection process.
- **Article 18 – Section 12:** Removal of duplicative grounds for Special IFR.
- **Article 18 – Section 12:** Clarification of potential outputs of Special IFR and sequencing of Board consideration of IFR outputs, including clearer, more affirmative statements of special obligations relating to the initiation of an IANA Naming Function Separation Process. The proposed changes in this section mostly mirror the changes made within Section 18.6.

Fundamental Bylaws Amendments – Article 19

- **Article 19 – Section 5:** Updating of ccNSO representative selection process to conform to 2019 Bylaws amendments to Section 18.7(a); updating geographic diversity composition requirements to conform to proposed amendments to Section 18.8
- **Article 19 – Section 6:** Renumbering of internal references for the IFR Chair Selection Process

Next Steps

Agenda Item #3

Next Steps

- The proposed amendments to Articles 18 and 19 will only go into effect if approved by the Empowered Community.
- Approval Action Community Forum Period will expire at 11:59pm CEST on **Thursday, 26 October 2023**, and Approval Action Decision Period will start.
- Each Decisional Participant (DP) has the responsibility to use its own internal procedures and to inform the EC Administration in writing as to whether such DP
 - supports the Approval Action
 - objects to the Approval Action
 - has determined to abstain from the matter
- Approval Action Decision Period will expire at 11:59pm PST on Thursday, **16 November 2023**.

NOTE: If a DP does not inform the EC Administration in time, the DP shall be deemed to have abstained from the matter.

Resources

Resources

- IANA Naming Function Review (IFR) Initial Report:
<https://www.icann.org/en/public-comment/proceeding/iana-naming-function-review-ifr-initial-report-08-10-2020>
- IANA Naming Function Review (IFR) Final Report:
https://community.icann.org/pages/viewpage.action?pageId=120819021&preview=/120819021/158138633/IFR%20Final%20Report_feb2021.pdf
- 2019 Public Comment proceeding on Fundamental Bylaws Amendment Proposal – IFR:
<https://www.icann.org/en/public-comment/proceeding/fundamental-bylaws-amendment-proposal-iana-naming-function-review-10-06-2019>
- 2023 Public Comment proceeding on IANA Naming Function Review Bylaws Changes:
<https://www.icann.org/en/public-comment/proceeding/iana-naming-function-review-bylaws-changes-18-04-2023>

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