

GUIDELINES & MOTION TEMPLATES

Section 1.3 Approval Action Community Forum

ANNEX D, ARTICLE 1 PROCEDURE FOR EXERCISE OF EC'S RIGHTS TO APPROVE APPROVAL ACTIONS

1. Introduction

Following the adoption by the GNSO Council of the revised GNSO Operating Procedures, as well as the proposed modifications to the ICANN Bylaws adopted by the ICANN Board of Directors on 13 May 2018, the GNSO Drafting Team to Further Develop Guidelines and Principles for the GNSO's Roles and Obligations as a Decisional Participant in the Empowered Community ("the GNSO DT") has outlined in the table below the additional proposed steps to be taken, including guidance and motion templates, to ensure preparedness as well as facilitate the ability for the GNSO Council to act in relation to the new roles and responsibilities outlined in the post-transition Bylaws. These steps fall within the GNSO's existing processes and procedures, and thus do not require any changes to the GNSO Operating Procedures or its Annexes.

2. Background

Per Annex D, Article 1 of the ICANN Bylaws, Procedure for Exercise of EC's Rights to Approve Approval Actions, Section 1.3 Approval Action Community Forum. The following is excerpted from the Bylaws:

- a. ICANN shall, at the direction of the EC Administration, convene a forum at which the Decisional Participants and interested parties may discuss the Approval Action (an "**Approval Action Community Forum**").
- b. If the EC Administration requests a publicly available conference call by providing a notice to the ICANN Secretary, ICANN shall, at the direction of the EC Administration, schedule such call prior to any Approval Action Community Forum, and inform the Decisional Participants of the date, time and participation methods of such conference call, which ICANN shall promptly post on the ICANN org website.
- c. The Approval Action Community Forum shall be convened and concluded during the period beginning upon the Approval Action Board Notification Date and ending at 11:59 p.m. (as calculated by local time at the location of ICANN's principal office)¹ on the 30th day after the Approval Action Board Notification Date ("**Approval Action Community Forum Period**"). If the EC Administration requests that the Approval Action Community Forum be held during the next scheduled ICANN public meeting, the Approval Action

¹ ICANN's principal office is the headquarters location at 2025 Waterfront Dr #300, Los Angeles, CA 90094, USA.

Community Forum shall be held during the next scheduled ICANN public meeting on the date and at the time determined by ICANN, taking into account any date and/or time requested by the EC Administration. If the Approval Action Community Forum is held during the next scheduled ICANN public meeting and that public meeting is held after 11:59 p.m. (as calculated by local time at the location of ICANN's principal office) on the 30th day after the Approval Action Board Notification Date, the Approval Action Community Forum Period for the Approval Action shall expire at 11:59 p.m., local time of the city hosting such ICANN public meeting on the official last day of such ICANN public meeting.

- d. The Approval Action Community Forum shall be conducted via remote participation methods such as teleconference, web-based meeting room and/or such other form of remote participation as the EC Administration selects, and/or, only if the Approval Action Community Forum is held during an ICANN public meeting, face-to-face meetings. If the Approval Action Community Forum will not be held during an ICANN public meeting, the EC Administration shall promptly inform ICANN of the date, time and participation methods of such Approval Action Community Forum, which ICANN shall promptly post on the Website.
- e. The EC Administration shall manage and moderate the Approval Action Community Forum in a fair and neutral manner.
- f. ICANN and any Supporting Organization or Advisory Committee (including Decisional Participants) may deliver to the EC Administration in writing its views and questions on the Approval Action prior to the convening of and during the Approval Action Community Forum. Any written materials delivered to the EC Administration shall also be delivered to the Secretary for prompt posting on the Website in a manner deemed appropriate by ICANN.
- g. ICANN staff and Directors representing the Board are expected to attend the Approval Action Community Forum in order to address any questions or concerns regarding the Approval Action.
- h. For the avoidance of doubt, the Approval Action Community Forum is not a decisional body.
- i. During the Approval Action Community Forum Period, an additional one or two Community Forums may be held at the discretion of the Board or the EC Administration. If the Board decides to hold an additional one or two Approval Action Community Forums, it shall provide a rationale for such decision, which rationale ICANN shall promptly post on the Website.
- j. ICANN will provide support services for the Approval Action Community Forum and shall promptly post on the Website a public record of the Approval Action Community Forum as well as all written submissions of ICANN and any Supporting Organization or Advisory Committee (including Decisional Participants) related to the Approval Action Community Forum.

Note that per Bylaws section 1.4(b)(i)-(iii) of Decision Whether to Approve an Approval Action, an action is approved if it is (A) supported by three or more Decisional Participants and (B) not objected to by more than one Decisional Participant.

3. Bylaws and Additional Proposed Steps

ANNEX D, SECTION 1.3 APPROVAL ACTION COMMUNITY FORUM

<p>1.3(b) If the EC Administration requests a publicly-available conference call by providing a notice to the Secretary, ICANN shall, at the direction of the EC Administration, schedule such call prior to any Approval Action Community Forum, and inform the Decisional Participants of the date, time and participation methods of such conference call.</p>	<p>The GNSO Council may wish to consider the following item as inputs to the EC Administration: Does the GNSO believe that a conference call will be appropriate? If so, they can direct the EC Admin rep to request one. (community conversation should take place to determine how many members of the EC Admin are required to convene the conference call.)</p>	<p>Staff to develop motion template</p>
<p>1.3(f) ICANN and any SO or AC (including Decisional Participants) may deliver to the EC Administration its views and questions on the Approval Action prior to the convening of and during the Approval Action Community Forum.</p>	<p>This item is not about GNSO as a participant in the EC. This item is about how the GNSO will develop inputs (views and questions) for consideration at the Community Forum. Once that process is agreed, then whatever is produced is sent for information and posting. This should not focus on any action by the EC Admin Rep.</p>	<p>Staff (to work with DT, if applicable) to identify or develop a proposed process for developing input, within the GNSO's existing procedures.</p>

4. Developing Input to the Approval Action Community Forum [Annex D, Section 1.3(f)]

4.1 Approval Action Community Forum

Following the ICANN announcement of convening an Approval Action Community Forum, the GNSO Representative to the EC Administration will inform the GNSO Council on the details of the Community Forum.

4.2 Community Feedback

GNSO Representative to the EC Administration will request the GNSO Council to provide input and / or feedback from the GNSO Stakeholder Groups and Constituencies on support for, objection to, or abstention from the Approval Action under consideration to inform the Approval Action Community Forum. The GNSO Council shall decide via a vote of simple majority to approve the input. The GNSO's input will be provided to the EC Administration by the GNSO's Representative to the EC Administration. To determine the most appropriate course of action, the GNSO Council will take into account and will be guided by the matter for approval, the anticipated timelines, the importance of the matter under consideration for the GNSO community, and other factors deemed relevant by the GNSO Council.

4.3 GNSO Council decision to support, object to or abstain from the Approval Action

4.3.1 Consultation Mechanism

Following the Approval Action Community Forum and prior to taking a decision, the GNSO Council should consult the GNSO Stakeholder Groups and Constituencies via their representative GNSO Councillors. If such a consultation occurs, it will be announced on the GNSO Council list at least two (2) weeks before the scheduled date of the consultation, and in no event later than the 21-day Approval Action Decision Period per Section 1.4 Annex D of the Bylaws.

4.3.2 GNSO Council Decision and Informing the EC Administration

Section 1.4(a) of the ICANN Bylaws, DECISION WHETHER TO APPROVE AN APPROVAL ACTION, states (as excerpted from the Bylaws):

(a) Following the expiration of the Approval Action Community Forum Period, at any time or date prior to 11:59 p.m. (as calculated by local time at the location of ICANN's principal office) on the 21st day after the expiration of the Approval Action Community Forum Period (such period, the "**Approval Action Decision Period**"), with respect to each Approval Action, each Decisional Participant shall inform the EC Administration in writing as to whether such Decisional Participant (i) supports such Approval Action, (ii) objects to such Approval Action or (iii) has determined to abstain from the matter (which shall not count as supporting or objecting to such Approval Action), and each Decisional

Participant shall forward such notice to the Secretary for ICANN to promptly post on the Website. If a Decisional Participant does not inform the EC Administration of any of the foregoing prior to the expiration of the Approval Action Decision Period, the Decisional Participant shall be deemed to have abstained from the matter (even if such Decisional Participant informs the EC Administration of its support or objection following the expiration of the Approval Action Decision Period)

Per the above section, the GNSO Council must decide and inform the EC Administration of its decision within twenty-one (21) days after the expiration of the Approval Action Community Forum whether to support, object to, or abstain from the Approval Action.

Timeline: The following is a suggested timeline to ensure that the GNSO Council is able to complete the above activities per the deadline. If the GNSO Council is unable to meet the deadline, its decision will automatically be recorded as an abstention.

Note:

- *Maximum date means the absolute last day certain action must occur*
- *Day 0 = the date when the Approval Action Community Forum has expired.*

Maximum Date	Action
Day 0	Expiration of the Approval Action Community Forum Schedule Special Meeting of the GNSO Council to occur within 14 days
Day 14	Special Meeting of the GNSO Council to decide whether to support, object to, or abstain from the Approval Action
	GNSO Representative to the EC Administration conveys GNSO Council's decision to the EC Administration and the ICANN Corporate Secretary
Day 21	Deadline for decision by Decisional Participants to the EC to decide whether to support, object to, or abstain from the Approval Action

Within twenty-one (21) days after the expiration of the Approval Action Community Forum, the GNSO Council will:

- 1) Take a decision via a simple majority vote on a motion whether to support, object to, or abstain from the Approval Action;
- 2) Convey this decision to the EC Administration and the ICANN Corporate Secretary by the GNSO Representative to the EC Administration in writing.

In taking its decision, the GNSO Council shall consider: the feedback, views and input received from the GNSO Stakeholder Groups and Constituencies; the results of the Community Forum; the importance of the matter for the Stakeholder Groups and Constituencies, and other factors deemed relevant by the Council. GNSO Secretariat will publish the GNSO Council's decision on the GNSO mailing lists and the GNSO website/wiki as soon as possible after it has been taken.

5. Motion Templates

A. Motion to Request a Conference Call Prior to any Approval Action Community Forum [Annex D, Section 1.3(b)]

Made by:

Seconded by:

Whereas:

1. Per Section 1.3(b) of Annex D, if the EC Administration requests a publicly available conference call by providing a notice to the Secretary, ICANN shall, at the direction of the EC Administration, schedule such call prior to any Approval Action Community Forum and inform the Decisional Participants of the date, time and participation methods of such conference call.
2. In accordance with the community consultation undertaken on this matter, [insert number] members of the EC Administration are required to convene the conference call.

Resolved:

1. The GNSO Council determines that a publicly available conference call of the EC Administration prior to the Approval Action Community Forum is appropriate.
2. The GNSO Council requests the GNSO Representative to the EC Administration to notify the EC Administration of the GNSO Council's request to convene the publicly available conference call.
3. The GNSO Council requests the GNSO Secretariat to publish this decision on the GNSO mailing lists and the GNSO website/wiki.

B. Motion to **Support, Object, or to Abstain from** the Approval Action [Annex D, Section 1.3(f)]

Made by:

Seconded by:

Whereas:

1. Per Section 1.3(f) of Annex D, ICANN and any Supporting Organization or Advisory Committee (including Decisional Participants) may deliver to the EC Administration in writing its views and questions on the Approval Action prior to the convening of and during the

Approval Action Community Forum. Any written materials delivered to the EC Administration shall also be delivered to the ICANN Corporate Secretary for prompt posting on the ICANN Org website in a manner deemed appropriate by ICANN.

2. The GNSO, as a Decisional Participation in the EC Administration, may elect to provide input to the Approval Action Community Forum either to support, object to, or abstain from the Approval Action [\[INSERT LINK TO APPROVAL ACTION\]](#).

Resolved:

1. The GNSO Council [\[supports\]/\[objects to\]/\[abstains from\]](#) the Approval Action.
2. The GNSO Council requests the GNSO Representative to the EC to inform the EC Administration about the GNSO Council's decision with respect to the Approval Action.
3. The GNSO Council requests the GNSO Secretariat to publish this decision on the GNSO mailing lists and the GNSO website/wiki.