

# GNSO OSC CONSTITUENCY OPERATIONS WORK TEAM TASK 1 CONSTITUENCY ANALYSIS

**TASK 1: ENHANCE EXISTING CONSTITUENCIES BY DEVELOPING RECOMMENDATIONS ON CONSTITUENCY PARTICIPATION RULES, OPERATING PRINCIPLES, AND DATABASE OF MEMBERS**

**Subtask 1: Develop recommendations for a set of participation rules and operating procedures, which all constituencies should abide by.**

**Key:** ✓ Appears to meet criteria X Does not appear to meet criteria ? Unclear, need input from constituency

Criteria	Commercial & Business	gTLD Registries	ISPC	Non-Commercial	Registrars	Intellectual Property
1. Provides guidelines, rules, or principles for participation in the constituency.	✓ The Charter details the guidelines, rules, or principles for participation: <a href="http://www.bizconst.org/">http://www.bizconst.org/</a>	✓ The Articles of Operation details the guidelines, rules, or principles for participation: <a href="http://gtldregistries.org/about_us/articles">http://gtldregistries.org/about_us/articles</a>	✓ The Charter details the guidelines, rules, or principles for participation: <a href="http://gnso.icann.org/en/improvements/recertification-ispcp-04feb09.pdf">http://gnso.icann.org/en/improvements/recertification-ispcp-04feb09.pdf</a>	✓ The Charter details the guidelines, rules, or principles for participation: <a href="http://www.ncdnhc.org/curren_charter.htm">http://www.ncdnhc.org/curren_charter.htm</a>	✓ The Bylaws detail the guidelines, rules, or principles for participation: <a href="http://www.icannregistrar.org/RC_Bylaws">http://www.icannregistrar.org/RC_Bylaws</a>	✓ The Bylaws detail the guidelines, rules, or principles for participation: <a href="http://www.ipconstituency.org/bylaws.htm">http://www.ipconstituency.org/bylaws.htm</a>
2. Membership						
a. Information about applications and admission decisions is publicly available.	X Neither the web site or Section 3.3, Credentials Committee, of the Charter appears to contain provisions for publicly available information on admission decisions.	X Some information is provided in Section III, Membership, in the Articles of Operation, but the application link on website is inactive.	X Neither the web site nor Section 2.2 of the Charter appears to contain provisions for publicly available admission decisions.	X Neither the web site nor the Charter appears to contain provisions for publicly available admission decisions.	✓ The admission procedure states that “any ICANN Registrar may join for free and participate.”	X Neither the web site nor the Charter appears to contain provisions for publicly available admission decisions.
b. Clear avenue of appeal for an applicant rejection to a neutral third party.	✓ Section 3.3 describes the appeals process; the Credentials Committee investigates appeals and officers certify the final decision.	X Section III does not appear to describe an avenue of appeal for an applicant rejection.	X Neither the web site nor the Charter appears to contain provisions for application rejection.	X Neither the web site nor the Charter appears to contain provisions for application rejection.	✓ The admission procedure states that “any ICANN Registrar may join for free and participate.”	X Neither the web site nor the Charter appears to contain provisions for application rejection.
3. Operating procedures:						
a. Charter includes a consensus building mechanism.	✓ 7.2 to 7.4 of the Charter details a consensus building mechanism for developing policy positions.	✓ Section VIII Voting, Subsection “Consensus Positions, Motions and Other Issues” details a consensus building mechanism for developing policy positions.	✓ Section 3.1 Decision Making Processes in the ISPCP details a consensus building mechanism for developing policy positions.	X Neither the web site nor the Charter appears to detail a consensus building mechanism for developing policy positions.	✓ Sections I Motions and II Fast-Track Motions of the Rules of Procedure detail consensus building mechanisms (although not described as such).	X Neither the Bylaws nor the web site appear to provide information on consensus building mechanisms for developing policy positions.

**Subtask 2: Develop recommendations for clear operating principles for each constituency to ensure that all constituencies function in a representative, open, transparent and democratic manner.**

Key: ✓ Appears to meet criteria X Does not appear to meet criteria ? Unclear, need input from constituency

Criteria	Commercial & Business	gTLD Registries	ISPC	Non-Commercial	Registrars	Intellectual Property
1. Operating principles:						
a. Mailing and discussion lists are open and publicly archived (with posting rights limited to members).	✓ Mailing lists are open only to members, but discussion lists/archives are linked on the website at: www.bizconst.org.	X The mailing list and archives do not appear to be publicly available.	✓ Mailing lists are open only to members, but discussion lists/archives are linked on the website at: www.ispcp.info.	✓ Mailing and discussion lists are open and publicly archived; the public may also post messages.	X Mailing lists and discussion lists currently are open only to members although this may soon change.	X The web site does not appear to refer to mailing or discussion lists.
b. Procedures for developing policy positions are clear and include publicly available information about how many participants were involved in the development of any policy position.	✓ Procedures for developing policy positions are delineated in the Section 7, Policy Development, of the Charter. The web site lists rapporteurs and issue representatives for each policy issue.	✓ Section VIII of the Articles of Operation details procedures for developing policy positions. Levels of consensus reached are included in each consensus statement. In addition, the web site lists the representatives for each working group.	X Section 3.1 of the Charter details procedures for developing policy positions. However, information about how many participants were involved in the development of any policy position does not appear to be available.	X Section V The Policy Committee of the Charter does not appear to include policy development procedures. Information about participants involved in policy development does not appear to be available.	X Sections I Motions and II Fast-Track Motions of the Rules of Procedure detail consensus-building mechanisms, but there does not appear to be publicly available information about policy development participants.	X Neither the Bylaws nor the web site appear to provide for or include publicly available information about participants in the development of policy positions.
c. Constituency processes encourage participation from stakeholders across the globe and, where feasible, provide relevant documents in multiple languages.	X Current membership is 48 including multinational, medium, and small companies, but 30 of these are located in the U.S. Web site or charter does not appear to describe processes to encourage global participation.	X Current membership is 14. The web site or Articles of Operation does not appear to describe processes to encourage global participation. The membership is updated when a new member joins or one is removed.	X The web site does not appear to list current members. The web site or charter does not appear to describe processes to encourage global participation.	✓ The web site lists members as of December 2007. Section IV Executive Committee of the Charter provides for Regional Representatives to recruit members in their regions.	✓ The web site lists current members.	✓ The IPC Officers are charged with reaching out to any other interested IP groups around the world and encourage them to participate in the IPC. Sec. IV, IPC Officers, Subsection C (2) F. Powers.
d. Term limits for constituency officers.	✓ Constituency officers are elected for a term of two years.	✓ Constituency officers are elected for a term of two years and may not serve more than two consecutive terms.	✓ The term limit for officers is 24 months and terms are staggered so that officers are elected every 12 months.	✓ One year term limit for Executive Committee Chairs and two years for Policy Committee Chairs, serving no more than two consecutive terms.	✓ The term limit for Elected Officers is one year. Officers may serve no more than three consecutive terms.	✓ IV. IPC Officers, B) Term of Office (2) An IPC officer may not hold a seat on the IPC office for more than three successive terms in the same position.

**Subtask 3: Develop recommendations for creating and maintaining a database of all constituency members and others not formally a part of any constituency that is up-to-date and publicly accessible.**

**Key:** ✓ Appears to meet criteria X Does not appear to meet criteria ? Unclear, need input from constituency

Criteria	<a href="#">Commercial &amp; Business</a>	<a href="#">gTLD Registries</a>	<a href="#">ISPC</a>	<a href="#">Non-Commercial</a>	<a href="#">Registrars</a>	<a href="#">Intellectual Property</a>
1. Current methods to store and update membership records.	? <b>NEED INPUT:</b> The web site lists the current members; it is not clear how frequently these are updated.	? <b>NEED INPUT:</b> The web site lists the current members; it is not clear how frequently these are updated.	? <b>NEED INPUT:</b> The web site does not list members or indicated how often membership records are updated.	? <b>NEED INPUT:</b> The web site lists the members as of December 2007, but it is not clear how frequently these are updated.	✓ The membership list is updated when a new member joins or is removed.	? <b>NEED INPUT:</b> The web site lists members, but it is not clear how frequently these are updated.