

Dear all,

As you may recall, the Council decided on 8 December 2020 via an intermeeting decision to launch a ccNSO Statement procedure to respond to ICANN legal's query on the proposed change to Article 10 of the ICANN Bylaws, to enable the inclusion of IDN ccTLDs in the ccNSO. The reason for using this procedure was to ensure

- the ccNSO Membership is aware of the proposed amendment of the originally proposed changes; and
- the ccNSO Membership does not object.

This is important, as the original proposals were developed as part of ccPDP2.

Following the 8 December Council decision, a drafting team was established and Council appointed Ai-Chin Lu as chair. On behalf of Ai-Chin, the secretariat submits the Draft Statement for adoption.

The Statement consist of two parts:

1. A cover letter to ICANN legal
2. The final draft response to ICANN legal (version with and without track changes)

The drafting team - consisting of Ai-Chin Lu (.tw) | drafting team Chair, Hirofumi Hotta (.jp), Jiankang Yao (.cn) and Mira Fajri (.id) - prepared the final draft response. Per applicable ccNSO Guideline, the draft was shared with the Council to seek initial comments, and subsequently with the ccNSO membership for their review and feedback.

At the closure of the consultation round, one comment was submitted, based on which the drafting team decided to strike the second sentence in Article 10, Section 10.4 (a), to avoid confusion. No further changes were made to the draft response and no objections received on the proposed Statement. Once adopted, the chair of the ccNSO is requested to send the Statement to ICANN legal as a response to ICANN Legal on their letter.

In the course of preparing the draft, the Drafting Team identified four (4) issues, which - although they do not directly relate to the letter from ICANN legal, - the Drafting Team wishes to bring to Council's attention and consideration:

- a. The drafting team wishes to thank Council for its initial review. Councilors previously expressed a clear mark-up of the requested changes to the text in the bylaws. The ccNSO Secretariat made an attempt to highlight the sections that were changed, but since it did not add to the clarity, the drafting team agreed to skip this step. For transparency reasons and ease of comparison, all relevant current documents were shared with the ccNSO members as links in the background section of the email
- b. Based on a question by a ccNSO member regarding the use of "by electronic means" instead of "email vote" as method of voting in Article 10, Section 10.4 (i), the drafting team expressed a clear preference to use the more generic term in the ICANN Bylaws, to ensure technology-independency. Details about the voting process and related tools should be provided in the ccNSO internal procedures.
- c. The drafting team wishes to inform the Council that the principle of one vote per member for those organizations or entities that manage multiple ASCII ccTLDs will not be affected by the proposed Bylaw change. This implies that those organizations or entities that have become member for two or more ccTLDs and have become member of the ccNSO will still be able to cast two or more votes in formal voting processes (in the Board nomination process, the

Council elections and in membership approval voting of ccPDPs). As was noted in the ccPDP2 part 2, this issue may need to be addressed at one point, to ensure parity of members, who run multiple ccTLDs. Note, Organizations or entities who run multiple IDN ccTLDs related to one (1) country or territory will at a maximum have one (1) vote.

- d. The drafting team wishes to inform Council that the bylaw change will have consequences for the ccNSO Council election guideline and ccNSO Board nomination guideline (see: <https://ccnso.icann.org/en/about/guidelines.htm> [ccnso.icann.org]), following Article 10, Section 10.4(h): nomination by any ccNSO member. It advises Council to ask the GRC to look at this issue in due time.

Background

- [ccNSO request to amend article 10 of the ICANN bylaws \[ccnso.icann.org\]](#). (7 february 2020)
- [Response from ICANN legal - October 2020 \[drive.google.com\]](#)
- [Guideline: ccNSO statements \[ccnso.icann.org\]](#)
- [ICANN Bylaws \[icann.org\]](#)