

PAB Operating Rules and Procedures

1. Definitions

1.1 The Policy Advisory Board shall hereafter be referred to as 'PAB' and is as defined by the PAB Charter.

1.2. Unless qualified by 'calendar', the term 'year' shall refer to the 'PAB Year' which runs from 1 November in any one calendar year.

1.3 A 'meeting' will be deemed to mean a meeting held by conference call unless otherwise defined.

2. Role of PAB

2.1. The PAB represents the interests of the different stakeholders in the .mobi domain. Each PAB member should, insofar as possible, represent the views of his/her constituency.

2.2. The PAB will develop proposals for policies and rules (as opposed to operational matters) for consideration by stakeholders and/or the mTLD Board and consult with interested parties where appropriate. Such consultation procedures will be defined by PAB. The PAB may discuss matters of its own motion or matters suggested to it by the mTLD Board, the MAG or the public.

2.3. The decisions of the PAB are not binding on mTLD, but mTLD will take the utmost consideration of such decisions.

3. Membership and voting

3.1 The 5 non-MAG members of PAB shall be constituted as follows: one (1) member shall be appointed by the ICANN At Large Advisory Committee (ALAC), one (1) shall be appointed by the ICANN GNSO Noncommercial Users Constituency (NCUC), and one (1) shall be appointed by the registry contractor. The remaining two positions are intended to be representatives of individual Internet users and noncommercial NGOs;

nominations for those slots can be made by current PAB members or mTLD and when there is more than one nomination for each category the nominee will be selected by a vote of the current PAB.

3.2 Nominations will be sought by the Chair at least two months prior to the end of the PAB year. Voting will be cast by ballot of the PAB members at least one month prior to the end of the PAB year. A simple majority vote in each category will secure an election for that category.

3.3 MAG shall agree its own procedures regarding election of its 5 members to the PAB.

3.4 The term of any one PAB member will last one year.

3.5 A PAB member may resign a position in writing to the PAB Chair. If a PAB Member ceases to be a member of the PAB, the PAB may appoint a person who is willing to act to fill the vacancy. The term of appointment only lasts until the end of the PAB year, but in all other respects this replacement shall be treated as a normal elected PAB Member.

3.6 PAB members may stand for election as often as they wish.

3.7 PAB members are not required to resign from PAB on a change in their employment or on ceasing to hold any particular office. If a PAB member is no longer a representative of his / her constituency, the remaining PAB members will decide whether that member should continue for the duration of term

3.8 PAB members must declare any potential conflict of interest at the beginning of their PAB term to PAB and mTLD. A PAB member must notify PAB and mTLD in the event of any material change in the situation

3.9 A PAB member may be asked to step down on a unanimous vote of the remaining PAB members in the event of non-participation in more than three meetings / conference calls with a 120 day period.

3.10 In extenuating circumstances and upon advance agreement of the PAB, an alternate representative may attend a meeting on behalf of a member.

4. The PAB Chair

4.1. The PAB shall appoint its own Chair from among the PAB Members.

4.2. At the first meeting in each PAB year, and at any subsequent meeting at which the PAB Chair is (or becomes) vacant, the PAB shall elect a PAB Chair from their members. Having held the position of PAB Chair previously is not a bar to selection.

4.3. The election for PAB Chair shall be the first item of substantive business. The new PAB Chair shall take office immediately that the result is known.

4.4. The term of office of the PAB Chair shall end only if the PAB Chair:

4.4.1. resigns by notice to the PAB members;

4.4.2. is removed in accordance with paragraph 4.5

4.4.3. is not re-elected at the first meeting of the year.

4.5. The PAB may consider a motion to dismiss the PAB Chair. Such a motion shall only be considered at a duly convened meeting and the notice of this meeting must include the motion to dismiss.

4.6. Discussion of the motion shall be the first substantive business of the meeting. The PAB Chair may retain his or her position (or may excuse him/herself from the debate) but shall not unreasonably restrict debate on the motion. The vote requires unanimous approval and the PAB Chair is not entitled to his/her normal vote. If the motion passes, the PAB Chair is immediately vacant and paragraph 4.3 shall apply.

4.7. If the PAB Chair is absent or the position is vacant during any part of any PAB Meeting, the PAB Members present must appoint a PAB Chair Pro Tem from among their number who shall carry out all the duties of PAB Chair until a formally appointed PAB Chair is present, or until the end of the meeting, whichever comes first.

5. Meetings and Procedures

5.1. The PAB Chair or the mTLD may summon a meeting of the PAB at any time with at least 3 business days prior notice.

5.2. The PAB Chair will arrange for minutes of each meeting to be prepared and, after agreement, to be posted on the PAB website.

5.3. The PAB will hold at least two physical meetings a year with a notice period of no less than 30 calendar days.

5.4. If any six members of the PAB so request, the PAB Chair shall summon a physical meeting of the PAB to be held no later than 20 calendar days after receiving the request.

6. Quorum

6.1. The quorum necessary for a meeting of the PAB shall be six members.

6.2. If a meeting becomes inquorate during proceedings, then the PAB Chair shall

formally note that it has become inquorate and then decide whether to suspend or close the meeting or allow it to continue and discuss the matters before it. If the meeting continues, it may only make preliminary decisions or recommendations which must be brought before the next quorate PAB meeting to be confirmed or rejected.

6.3. A PAB Member entitled to attend a PAB physical meeting may participate by means of a telephone conference or other facility whereby all people participating in the meeting can hear each other, and shall be counted in the quorum while so participating.

6.4. The PAB should aim to reach its recommendations by consensus wherever possible unless otherwise indicated.

6.5. If a matter should come to a vote, then each voting member will have one vote.

6.6 There will be provision for a proxy vote by email in the event that a PAB member has to leave a meeting in advance of a vote being cast. Should a proxy vote not be cast within 72 hours, it will be counted as an abstention.

6.7. Unless a specific paragraph of these rules requires otherwise for a particular situation, the decision shall be by 'simple majority' of the votes cast for or against, ignoring abstentions, vacancies and absentees.

6.8. Some paragraphs may require a 'unanimous' vote. In these cases, any abstaining, non-voting or absent PAB Member (excluding nominated PAB Members and vacant posts) counts as a vote against the motion.

6.9. In the event of a tied vote, the PAB Chair (whether or not a voting member) shall decide.

7. Notices

7.1. Notices under these Rules may be given by mTLD and MAG by hand delivery, pre-paid post, fax or e-mail to the last known postal or e-mail address or fax number of the intended recipient.

7.2. Unless acknowledged as received earlier, notices shall be deemed to have been received on the second working day after they were sent.

7.3. An accidental failure to receive a notice shall not make a meeting or action invalid.

8. Amendment to operating rules and procedures

8.1 The PAB operating rules and procedures shall be amended as appropriate from time to time and upon agreement of the PAB.