

ICANN



EN

AP/2007/1/2

ORIGINAL: English

DATE: 25th February 2007

Internet Corporation for Assigned Names and Numbers

Asia Pacific Regional Meetings 2007 – First Meeting

AT-LARGE ASIA PACIFIC REGION MEETING

**Bali International Conference Centre, Surabaya Room
28th February, 09:00 – 18:00**

DRAFT MEMORANDUM OF UNDERSTANDING

Introductory Note by the Staff

The document as attached is as amended by the last Regional Teleconference on 9th January 2007.

It is identical to that on the Wiki entitled 'MoU Asia Pacific RALO DRAFT 4 – EN.doc

[End of introduction]

MEMORANDUM OF UNDERSTANDING

Between

**The Internet Corporation for Assigned Names and
Numbers, Incorporated (“ICANN”)**

and

**The Organizations
in the Asia Pacific Region Accredited as ‘At-Large
Structures
that are Signatories (“Signing Organizations”)**

Done this [number] Day of [Month] 2007

1. Purpose and Scope

- 1.1 This Memorandum of Understanding ("MOU") defines an agreement between the Signing Organizations and the Internet Corporation for Assigned Names and Numbers. Its intent is to establish, and define activities to be carried out by, the APRALO, and supported by ICANN.
- 1.2 ~~This body~~ APRALO ~~is formed with~~ shall have the following objectives:
 - 1.2.1 To provide a forum and promote and encourage Asia Pacific Internet users' participation and involvement in ICANN in an open, accountable and transparent manner;
 - 1.2.2 To promote, understand and advocate for individual Internet users and to provide a forum for outreach, co-ordination and exchange of information and knowledge for persons who live in the Asia Pacific region [the region as defined by ICANN].
 - 1.2.3 To act as an interface between individual Internet users and ICANN ~~and other bodies related to the Internet~~ and to promote skills development and information exchange related to the Internet amongst Members;
 - 1.2.4 To breach the digital divide and encourage users in developing countries to participate in APRALO.
 - 1.2.5 To select two Members of APRALO to ALAC

2. Definition of Terms and Abbreviations:

- 2.1 ICANN - Internet Corporation for Assigned Names and Numbers.
- 2.2 ALAC - ICANN At-Large Advisory Committee.
- 2.3 Signing Organisations - Organizations in the Latin America & Caribbean region accredited by the ALAC as "At-Large Structures" that are signatories to this MOU.
- 2.4 APRALO - Asia Pacific Regional At-Large Organization.
- 2.5 At-Large Structure (ALS) - An organization accredited by the ALAC according to published criteria and standards.
- 2.6 AP - Asia Pacific
- 2.7 Region - Asia Pacific Geographic Region as defined by ICANN
- 2.8 Member - A member of the APRALO

3. Composition of APRALO

- 3.1 All ALSes in the Asia Pacific region ~~may~~ shall be Members of the APRALO.
- 3.2 To help ensure participation by any interested individual in the Asia Pacific Region, the APRALO will encourage the formation and accreditation of additional At-Large Structures and their participation in the APRALO.
- 3.3 The APRALO recognizes that ICANN has established criteria and standards for the accreditation of ALSes. The APRALO will encourage organizations to apply for certification and assist with certification, including by:
- a. Reviewing ALS applications from organizations in Asia Pacific upon submission to ICANN and recommending whether or not the organization should be accredited as an ALS;
 - b. Providing Asia Pacific ALS applicants with APRALO information and, if recommended by the APRALO for accreditation, provisional membership in the APRALO whilst the ALS application is under consideration by the ALAC;
 - c. When ALS certification is verified by the ALAC for Asia Pacific applicants, these applicants will be granted membership in the APRALO.
- 3.4 There shall be no limit as to the number of Members of the APRALO.
- 3.5 All Members shall be entitled to attend and participate at all Meetings and be entitled to access information via a publicly accessed World Wide Web site maintained by APRALO.
- 3.6 All Members shall be entitled to participate in APRALO mailing lists ~~including but not limited to ICANN functions and activities that impact on the Asia Pacific region.~~

4. Agreed Responsibilities of ICANN

ICANN agrees that during the term of this MOU it will work in conjunction with the APRALO to support At-Large activities within the Asia Pacific Region, including:

- 4.1. Helping to inform individual Internet users in the Region about ICANN news, meetings, policy development activities, and opportunities for ICANN participation;

- 4.2 Helping to promote outreach activities in the community of individual Internet users in the Region to advance understanding of, and participation in, issues addressed by ICANN that affect individual Internet users;
- 4.3 Offering Internet-based mechanisms that enable discussions among members of At-Large structures in the Region and with those involved in ICANN decision-making, and encourage interested individuals to share their views on pending ICANN issues.
- 4.4 Providing the necessary resources to help support **APRALO** activities subject to ICANN's annual operational and budgetary plans and processes.
- 4.5 Accrediting, through the ALAC, and taking full account of Clause 3.3 of this MOU, groups of individual Internet users in the Region as At-Large Structures using the minimum criteria and accreditation process as provided in the ICANN Bylaws.

5. Agreed Responsibilities of the APRALO

The Signing Organizations agree that during the term of this MOU they will work in conjunction with ICANN to support At-Large activities within the Region, including:

- 5.1. Helping to inform individual Internet users in the Region about ICANN news, meetings, policy development activities, and opportunities for ICANN participation;
- 5.2 Helping to promote outreach activities in the community of individual Internet users in the Region to advance understanding of, and participation in, issues addressed by ICANN that affect individual Internet users;
- 5.3 Offering Internet-based mechanisms that enable discussions among members of At-Large structures in the Region and with those involved in ICANN decision-making, and encourage interested individuals to share their views on pending ICANN issues.
- 5.4 Selecting two members to serve on the ALAC
 - 5.4.1 The **APRALO** will choose two (2) individuals to serve as representatives to the At Large Advisory Committee (ALAC), in the terms specified in the ICANN Bylaws. **To the extent possible, the ALAC representatives shall be selected by consensus; if a consensus cannot be reached then a vote shall be held.** Only those ALSes who have been accredited prior to the election will be able to vote. Each accredited ALS will have one (1) vote. The selected representatives must be members of different ALSes, must have their principal residence in

different countries of the region and their nationalities must be different. Selected representatives will have the responsibilities described in the ICANN Bylaws.

- 5.5 Periodically reviewing the results of ~~their~~ **the Parties'** cooperation under the MOU and, when appropriate, recommending improvements in the MOU.

6. General Provisions

- 6.1 This Agreement requires the ratification of the ICANN Board of Directors.
- 6.2 This Agreement will become effective when signed by all Parties. The Agreement may be amended at any time by mutual agreement of the parties in writing. Either party may terminate this Agreement by providing one hundred twenty (120) days written notice to the other party. In the event this Agreement is terminated, each party shall be solely responsible for the payment of any expenses it has incurred in relation to the termination of this Agreement.
- 6.3~~1~~ Amendments to this Agreement must be approved by the **APRALO Annual General Meeting**, ~~who~~ **which** will designate the representative, or representatives, to sign the amendments on behalf of the **APRALO**.
- 6.4 The **APRALO Annual General Meeting** shall determine the extent to which ALSes in the Region not a party to this Memorandum of Understanding must consent to be bound by its terms in order to participate in the governance and activities of the **APRALO**, and any the procedure to be used to signify the same, as well as the procedure by which an ALS may revoke its consent once given.

IN WITNESS WHEREOF, this Memorandum of Understanding is executed this [number] day of [month] 2007 by the Parties, acting through their duly authorised representatives.

Execution shall be upon signature for the Signing Organisations. For ICANN, execution shall be contingent upon final approval by the ICANN Board following completion of the public comment period.

FOR AND ON BEHALF OF:

THE SIGNING ORGANIZATIONS ICANN

[NAME OF ORGANISATION 1]

Memorandum of Understanding Between ICANN and the Signing Organizations in the Asia-Pacific Region

Name:

[name]

Title:

[Position]

[NAME OF ORGANISATION 2]

Name:

Title:

END OF DOCUMENT

Drafting Appendix

This Appendix does not form a part of the document. It is presented as a convenience to the reader to help understand the source of the text which precedes it.

References below to the ‘Operating Principles’ refer to the Operating Principles, v5, as discussed on the regional teleconference 2nd May 2006. the source of paragraphs in the Draft MoU.

For those unfamiliar with the term, where changes are referred to as ‘mutatis mutandis’, this means that the changes made were the minimum necessary to achieve the intended purpose of the original text in the context of this document.

- Text in the MoU which is taken directly from the Operating Principles is unformatted.
- Text which was suggested for deletion or insertion on 26th June 2006 at the Marrakech ICANN meeting is BOLD and GREEN. Deletions are indicated by strikethrough.
- Text which is taken from the LAC MoU with ICANN is in BLUE
- Text which is inserted by ICANN Staff drafters is shown as RED, with strikethrough to indicate deletions, and underlined to indicate insertions.
- Titles and section headings are taken from the LAC Region MoU with ICANN. They are not otherwise indicated.

- 1.1 This section is taken from the LAC MoU, *mutatis mutandis*
- 1.2 Part 3.1 of the Operating Principles.
- 2.0 Definition source indicated by colour scheme above referenced.
- 3.1 Section 4.1 of the Operating Principles
- 3.2 As indicated
- 3.3 This language is being proposed to all At-Large regions by ICANN Staff. The objective is that this will facilitate regional involvement in the accreditation of new ALSes by giving the RALOs a defined formal role in decisions about ALS accreditation. It is taken *mutatis mutandis* from the same section of the LAC RALO MoU.
- 3.4 Section 4.2 of Operating Principles

- 3.5 Section 4.3
- 3.6 Section 4.4
- 4 This section taken from the LAC MoU, *mutatis mutandis*
- 5 This section taken from the LAC MoU, *mutatis mutandis*, excepting the following:
- 5.6 Section 3.2 of the Operating Principles.
- 6 Taken from the LAC MoU, *mutatis mutandis*

DECISIONS FROM 19th December 2006 ALS Teleconference

- 5.4.1 The inserted language stressing a consensus was drafted by ICANN staff as directed by the ALS teleconference participants
- 5.5 Renumbering of Draft 1 clause 5.4.2 per the teleconference. Replacement of ‘their’ with ‘the Parties’ also.
- 3.1 May changed to shall per the teleconference.
- 5.6 Deleted

CHANGES RELATED TO 4th JANUARY CALL

- 6.3.1 Renumbered to 6.3
- 6.3 ‘who’ changed to ‘which’ for correctness.
- 6.4 Inserted section to deal with succession and adhesion of new ALSes to the terms of the MOU