

ccNSO repository for Bylaw changes version 10, December 2023

1. Introduction

At times the ccNSO is made aware of the potential need for an ICANN Bylaw change. To capture this, and to maintain an action list and repository of required changes, the ccNSO maintains this Bylaw change repository.

The following will be captured:

- **Item:** number of change
- **Description:** Brief description of change needed.
- **Bylaw Section:** Reference to the section in the ICANN Bylaws Bylaw
- **Bylaw text:** The text in the Bylaw
- **Issue:** Rationale to ask for change
- **Bylaw type:** Fundamental (F) or Standard (S) Bylaw, has implication whether it needs to be approved by EC or only open for rejection. Fundamental Bylaws (F) are included in list of section 25.2 (a) of the ICANN Bylaws. All other Bylaws are Standard (S)
- **Change process:** Is PDP required/ request Board, other way
- **Priority:** urgency and importance for ccTLD community
- **Change update:** Expected start of change process current status.

Colour codes:

If part of row is marked **yellow**, update of section

If row is marked **green**, bylaw change has been completed and is final time included in overview. Section will not be included in next version.

If complete row is marked **yellow**, bylaw change has been added/suggested and/or need still under discussion.

2. Repository

Item	Description	Bylaw section	Bylaw text	Issue	Bylaw type	Change mechanism	Priority	Change time
4.	Reference to non-ccNSO member for Special Cross-community WG for separation	Section 19.5 SCWG Composition	One non-ccNSO ccTLD representative who is associated with a ccTLD registry operator that is not a representative of the ccNSO, appointed by the ccNSO;	With growing number of members, attracting non-ccNSO member has proven to be very difficult, if not impossible. In event of SCWG high risk	F	Request Board to change after consultation of community	Medium (important, needs to be resolved in next 2 years)	Changed November 2023. Approved by Decisional Participants
5.	Change of reference in Section 4.3 (IRP) to delegation and Redelegation	Section 4.3 (c) (ii)	Notwithstanding any other provision in this Section 4.3, the IRP's scope shall exclude all of the following: (ii) Claims relating to ccTLD delegations and re-delegations. ...	Language in Bylaws is not consistent with language FoI and IANA Naming Function Contract. Should be: Delegations, Transfers, revocations and retirement (after adoption of the policy) and potentially to IDNccTLD strings after adoption of ccPDP4	F	Request Board to change after consultation of community	High (important, needs to be resolved when ccPDP 3 is fully implemented)	If review policy is effective become Bylaw needs to be clarified. Requires Fundamental Bylaw change
5A.	Change of reference in Section 4.2 (Reconsideration) to delegation and Redelegation	Section 4.2		Language in Bylaws is not consistent with language FoI and IANA Naming Function Contract. Should be: Delegations, transfers, revocations and retirement (after adoption of the policy) and of IDNccTLD strings	F		High (important, needs to be resolved when ccPDP 3 is fully implemented)	If review policy is effective become Bylaw needs to be clarified. Requires Fundamental Bylaw change

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5B	Exclude selection process of IDNccTLDs strings from Section 4.2 and 4.3	Section 4.1 and 4.2		<p>Language in Bylaws needs to be updated to exclude claims and issues pertaining to selection of IDNccTLD strings from IRP and Reconsideration.</p> <p>Might be useful to start process now as under current language IRP/Reconsideration would be available for all claims and dispute related to selection of IDNccTLD strings</p>	F	Requires Fundamental Bylaw change	High (important, needs to be resolved when ccPDP 4 is fully implemented)	Needs to be completed by time ccPDP4 replaces Fast Track Process
6.	Bylaw require ccNSO AGM. To date never conducted.	Section 10. 4 (f)	There shall be an annual meeting of ccNSO members, which shall be coordinated by the ccNSO Council. Annual meetings should be open for all to attend, and a reasonable opportunity shall be provided for ccTLD managers that are not members of the ccNSO as well as other non-members of the ccNSO to address the meeting. To the extent practicable, annual meetings of the ccNSO members shall be held in person and should be held in conjunction with meetings of the Board, or of one or more of ICANN's other Supporting Organizations.	Recurring point of discussion also contained in the 2004 Rules. To date no need to designate one of the meeting as AGM. ccNSO is NOT a member organization for example like an association.	S	Request Board to change after consultation of community	Low. Recurring point of discussion also contained in the Bylaws.	Suggestion: By the time 2004 Rules are updated and adopted.

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7.	Date ccNSO members elected Councillors take their seat	Section 10.3 (d) i	The regular term of each ccNSO Council member shall begin at the conclusion of an ICANN annual meeting and shall end at the conclusion of the third ICANN annual meeting thereafter	Practice has evolved since inception of the creation of the ccNSO that elected Councillors take their seat at the first meeting of the calander year (Community Forum)	S	Request Board to change after consultation of community	Low. Recurring point of discussion also contained in the Bylaws.	Suggestion: By the time 2004 Rules are updated and adopted.
8	Clarify number of votes of entity managing multiple ccTLDs related to different Territories			Current rule is either one vote per ccTLD manager or one vote per Territory (in limited cases). What if one entity manages ccTLD related to multiple Territories. Does ccTLD managers get as many (formal) votes as number of related Territories (so 3 votes in case the manager manages ccTLDs from three different Territories)	S		Low	
9	Adjustment Frequency IANA Function Review	Section 18.2	Periodic IFRs after the first Periodic IFR shall be convened no less frequently than every five years, measured from the date the previous IFRT for a Periodic IFR was convened.	According to current text a subsequent IFRT needs to be convened 3 to 3.5 years after the previous IFRT has concluded its work (assuming it will take 18 months) and PTI, and others have a very limited time to implement recommendations. Suggestion is to change to 5 years after the previous IFRT submitted its report to the Board. Suggestion to change was made as part of the ccNSO Council input on	F	Unknown. Suggestion was made as part of the public comment process on IFR. However unclear how to proceed (From the public comment summary: ICANN org does not have the unilateral ability to		Need to agree on process on how to initiate consultation process i.e what is threshold to launch Bylaw change (whether fundamental or standard). Action ccNSO to initiate process

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				change IFR related Bylaw sections dated 18 April 2023		incorporate updates to that section for approval by the Board. ICANN org notes and encourages the community to further this conversation to allow for more effective reviews that continue to serve the community's needs)		
10	Adjustment Frequency CSC Effectiveness Review	Section 17. 3	(b) The effectiveness of the CSC shall be reviewed two years after the first meeting of the CSC; and then every three years thereafter. The method of review will be determined by the ccNSO and GNSO and the findings of the review will be published on the Website.	The second CSC effectiveness review was launched in June 2021 and concluded early 2023. The recommendation to CSC are now being implemented, and may take some time to be effective. Per Bylaw requirement the next CSC effectiveness will need to be convened in June-October 2024 Timeframe. The CSC RT suggested to adjust frequency, which was supported by the ccNSO and GNSO Councils.. Chair requested Bylaw change per letter dated 17 May 2023	F	To be launched by org.	H Avoid that 3 rd Review needs to be launched in June 2023	Change of Article 17 is being prepared. Requires adjustment of CSC charter. Amendment CSC charter initiative ccNSO?
11	Appointment Alternates CSC membership		Not Included	The CSC RT suggested that the CSC membership appointing organizations. To be included in Bylaw Article 17	F			Change of Article 17 is being prepared. Requires adjustment of CSC charter.

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								Amendment CSC charter initiative ccNSO?
12	Limitation of Bylaw provided Accountability mechanism			<p>Bylaws change that will provide: [redacted]</p> <p>If (1) though a Final Report of a Cross-Community Working Group, which is supported by all chartering organizations, it is recommended that one or more Bylaws-defined [redacted] accountability mechanisms should not be available to resolve disputes in specified circumstances; and [redacted] (2) the Board agrees that the community recommendation is in the global interest, [redacted] Then the Board shall be authorized to direct ICANN Org to implement the CCWG recommendation that limits access to the Bylaws-defined accountability mechanism(s).</p>	F	To be launched by org or Board		