

Cross-community WG Framework for use of Country and Territory names as TLDs (UCTN WG) Charter

March 2014

1 Background

The ccNSO Study group on the use of Names for Country and Territory published its Final Report in September 2013 (<http://ccnso.icann.org/node/42227>). The first of the two¹ recommendations of the Study Group to the ccNSO Council was to establish a cross community working group to:

- Further review the current status of representations of country and territory names, as they exist under current ICANN policies, guidelines and procedures;
- Provide advice regarding the feasibility of developing a consistent and uniform definitional framework that could be applicable across the respective SOs and ACs; and
- Should such a framework be deemed feasible, provide detailed advice as to the content of the framework.

The GNSO, ALAC and GAC should be invited to participate in such a WG.

The ccNSO Council adopted the recommendations and, as the objective of the proposed Working Group is considered to be of common interest to the broader community, other Supporting Organisations (SOs), Advisory Committees (ACs) and others are invited to participate in the working group on equal footing, and should be preferably undertaken as a collaborative effort.

To this end the ALAC, GNSO and GAC have been invited by the ccNSO Council to participate in a Joint Working Group.

Each of the participating SOs and ACs has adopted this charter according to its own rules and procedures, which is recorded in Annex A of this charter.

2 Objective and Scope

¹ The second recommendation is: *“In light of the need for further work on the treatment of country and territory names, the complexity of the issue at hand and the aforementioned inconsistencies between various ICANN policies, it is also recommended that the ccNSO Council request that the ICANN Board extend the current rule in the new gTLD Applicant Guidebook regarding the exclusion of all country and territory names in all languages, for consecutive rounds of new gTLD applications until such a time when the work of the cross community working group has been concluded.”* This recommendation was adopted as well. The ccNSO Council will request the ICANN Board of Directors to extend the current rule in the Applicant Guidebook, once the cross-community working group is established.

Objective

The objective of the WG is to draw upon the collective expertise of the participating SOs and ACs and others, to:

- Further review the current status of representations of country and territory names, as they exist under current ICANN policies, guidelines and procedures;
- Provide advice regarding the feasibility of developing a consistent and uniform definitional framework that could be applicable across the respective SO's and AC's; and
- Should such a framework be deemed feasible, provide detailed advice as to the content of the framework.

Scope

The WG will base its activities upon, and take into account, the Final Report of the ccNSO Study Group on the Use of Names for Country and Territory (<http://ccnso.icann.org/workinggroups/unct-final-08sep12-en.pdf>).

The scope of the WG is limited to:

- Representations of names of Countries, Territories and their subdivisions listed on or eligible to be listed on the Alpha-2 code International Standard for country codes and codes for their subdivisions(ISO 3166-1), (Hereafter: Country and Territory names). Other geographical indicators, such as regions, are excluded;
- The use of Country and Territory names as Top Level Domains. The use of Country and Territory names as second or other level is excluded.

If issues become apparent to the Co-chairs of the WG that are considered relevant, but outside the scope of the WG, the Co-Chairs of the WG, after consulting the members of the WG, shall inform the Chairs of the participating SOs and ACs.

3. Deliverables and Timeframes

Work Plan

As a first step the WG should establish and adopt an initial work plan and an associated schedule. The work plan and schedule should include the schedule and methods for public consultation and informing the participating SO's, AC's and broader community on progress made. The initial work plan and schedule should be published on the web page of the WG. The Co-Chairs will be responsible for maintaining and updating the work plan and schedule and informing the Chairs of the participating SO's and AC's of changes made to the work plan and schedule.

Progress Paper

The Co-Chairs of the WG shall regularly update the participating SO's and AC's on the progress made. At appropriate times, as identified in the work plan, the WG shall produce a Progress Paper on progress made to inform the broader community on the progress.

Final Report

The Co-Chairs of the WG will submit the Final Report to the Chairs of the participating SO's and AC's (and GAC), and will be made public. The Final Report shall be developed through the process described in section 4.

In the event all participating SOs and ACs support the (Supplemental) Final Paper, and only if so recommended by the WG, the Chairs of the participating SO's and AC's shall jointly submit the Final Report, to the ICANN Board of Directors.

4. Process for the development of the Final Report

WG Interim Paper

The WG shall publish for public consultation an Interim Paper, which shall contain a review and analysis of the objective as stated above, and a draft Recommendation and its rationale. The Interim Paper shall be published for public consultation at the time designated in the WG work plan

Review of Interim Paper

After closure of the public consultation on the Interim Paper, the WG shall review and analyse the comments received and may, at its reasonable discretion, provide appropriate responses. The WG shall, at its reasonable discretion, not be obligated to address all comments made during the comment period, nor shall the WG be obligated at its reasonable discretion to include all comments submitted by any one individual or organisation.

WG Final Paper

In considering its Final Paper the WG shall seek to act by consensus. The consensus view of the members of the WG shall be conveyed in a Final Paper to the participating SOs and ACs as the Recommendation of the WG. If one or more members opposes a consensus position, the minority position/s shall be included in the Final Paper. The Paper shall be published on the WG web site within seven days after adoption of the Paper by the WG and conveyed to the chairs of the participating SO's and AC's.

SO and AC support for the Final Paper

Following submission of the Final paper each of the participating SOs and ACs shall in accordance with its own rules and procedures discuss the Final Paper and decide whether they support the recommendations contained in it. The Chairs of the participating SO's and AC's shall notify the Co-Chairs of the WG of the result of the deliberations as soon as feasible.

Supplemental Paper

In the event that one or more of the participating SOs or ACs do(es) does not support one or more of the recommendation(s) in the Final Paper, the Co-Chairs of the WG shall be notified accordingly. This notification shall include at a minimum the reasons for the lack of support. The WG may, at its discretion, reconsider, post for public comments and submit a Supplemental Paper to the participating SO's and AC's. The WG may, at its own discretion call for an additional round of public consultation (The Paragraphs *Review of the Interim Paper* and *WG Final Paper* of this section apply accordingly).

Following submission of the Supplemental Paper the participating SOs and ACs shall discuss and decide in accordance with its own rules and procedures whether they support the recommendations contained in the Supplemental Paper. The Chairs of the participating SOs and ACs shall notify the Co-Chairs of the WG of the result of the deliberations as soon as feasible.

Final Report

After receiving the notifications from all participating SO's and AC's as foreseen in paragraph D or E, the Co-Chairs of the WG shall, within 10 working days after receiving the last notification, submit to the Chairs of the participating SO's and AC's its Final Report, which shall include at a minimum:

- a) The (Supplemental) Final Paper as adopted by the WG;
- b) The notifications of the decisions from the participating SO's and AC's in accordance with paragraph D or E.

In the event one or more of the participating SO's or AC's not support (parts of) the (Supplemental) Final Paper, The Final Report should also clearly indicate

- c) The part(s) of the (Supplemental) Final Paper which are fully support and which parts are not supported and which SO or AC dissents from the WG view.

5 Participants, Staffing, and Organization

A Participants

Membership in the WG is open to members of the participating ICANN SOs and ACs. Each of the participating SOs and ACs shall appoint members to the WG in accordance with their own rules and procedures, which includes a providing a Statement of Interest if required. There shall be a minimum of one representative from each participating SO and AC.

Non-participating ICANN ACs are invited to appoint one or more liaisons or observers according to their own rules and procedures.

The Co-Chairs of the Working Group, in consultation with the Members of the WG, may also invite and/or appoint experts to the Working Group. Experts are Members, but otherwise are entitled to participate on equal footing.

The participating SOs and ACs shall each appoint a Co-Chair for the WG. The Co-Chairs shall have primary leadership responsibilities for the WG. The Co-Chairs are encouraged to collaborate with one another and with ICANN support staff in leading the WG.

All WG Participants (i.e. members, liaisons, observer and experts) are expected to be able to:

- Demonstrate knowledge or expertise of aspects of the objectives of the WG; and
- Commit to actively participate in the activities of the working group on an ongoing basis.

Participants will be listed on the working group's webpage.

B Support staff and Tools

ICANN is expected to provide adequate staff support to the WG.

In addition, the following communication tools have been established to aid the work of the WG:

- o WG Wiki Workspace at (URL TBD)
- o WG Email List Subscriptions (TBD); and
- o WG SOI Repository, if appropriate, at (URL TBD)

C Rules of Engagement

The Co-Chairs, after consulting the Chairs of the participating the SOs and ACs, are empowered to restrict the participation of someone who seriously disrupts the WG. Generally, the participant should first be warned privately, and then warned publicly before such a restriction is put into place. In extreme circumstances, this requirement may be bypassed but shall be reviewed by the Chairs of the participating SOs and ACs. This restriction is subject to the right of appeal as outlined below.

D Working Group Methodology

Making Decisions

In considering its work plan, Papers and Final Report the WG shall seek to act by consensus. If a minority of the Participants opposes a consensus position, that minority position shall be incorporated in the related paper. The Co-Chairs shall be responsible for designating each position as having either attained "consensus" or "no consensus" in the WG.

Based upon the WG's needs and/or the Co-Chairs' direction, WG Participants may request that their names are not associated explicitly with any view/position.

Consensus calls should always utilize best efforts to involve the entire WG, and include at least two WG readings of the recommendations to allow all Participants to state their views. It is the role of the Co-Chairs to designate which level of consensus is reached and announce this designation to the WG. The Co-Chairs may call for a vote of the Members on proposed recommendations if they reasonably believe that this will facilitate the WG's deliberations.

6. Omission in or Unreasonable Impact of Charter

In the event this charter does not provide guidance and/or the impact of the charter is unreasonable for conducting the business of the WG, the Co-Chairs of the WG shall decide if they think charter needs to be modified.

In the event it is decided that the charter needs to be modified to address the omission or unreasonable impact, the Co-Chairs may propose to modify the charter to the participating SO's and AC's. A modification shall only be effective after adoption of the adjusted charter by the participating SOs and ACs in accordance with their own rules and procedures.

7 Closure and Working Group

The WG shall close and be dissolved upon submission of the Final Report to the participating SOs and ACs as foreseen in section 3 above or as directed jointly by the participating SOs and ACs.

8. Charter Document History

This section records key changes to the WG Charter that take place after the adoption of the Charter.

Annex A Record of Adoption of the charter

Annex B Schedule

| Milestone Event | Start Date | End Date | Deliverables |
|--|-------------------|-----------------|-----------------------------------|
| Draft WG Charter | TBD | TBD | Charter |
| Invite and Establish Working Group Co-Chairs and Members | TBD | TBD | Working Group Members & Co-Chairs |
| Adopt a Work Plan and Time Schedule | TBD | TBD | Work Plan and Time Schedule |
| Progress Papers | TBD | TBD | Progress Paper |
| Interim Paper | TBD | TBD | |
| Final Paper | TBD | TBD | Final Paper |
| Final Report | TBD | TBD | |