

Review of CCWG-Acct 3rd Proposal and ALAC Issues

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Mission

ICANN shall act strictly in accordance with, and only as reasonably appropriate to achieve its Mission.

ICANN shall not impose regulations on services that use the Internet's unique identifiers, or the content that such services carry or provide.

ICANN shall have the ability to negotiate, enter into and enforce agreements with contracted parties in service of its Mission.

- Note to drafters: In crafting proposed Bylaws language to reflect this Mission Statement, the CCWG wishes the drafters to reflect the following considerations:
 1. The prohibition on the regulation of “content” is not intended to prevent ICANN policies from taking into account the use of domain names as identifiers in various natural languages.
 2. The issues identified in Specification 1 to the Registry Agreement and Specification 4 to the Registrar Accreditation Agreement (the so-called “Picket Fence”) are intended and understood to be within the scope of ICANN’s Mission. A side-by-side comparison of the formulation of the Picket Fence in the respective agreements is attached for reference.
 3. For the avoidance of uncertainty, the language of existing registry agreements and registrar accreditation agreements should be grandfathered.
 4. The CCWG anticipates that the drafters may need to modify provisions of the Articles of Incorporation to align with the revised Bylaws.

Registry Specification 1

- 1.2.1 issues for which uniform or coordinated resolution is reasonably necessary to facilitate interoperability, security and/or stability of the Internet or Domain Name System (“DNS”);
- 1.2.2 functional and performance specifications for the provision of Registry Services;
- 1.2.3 Security and Stability of the registry database for the TLD;
- 1.2.4 registry policies reasonably necessary to implement Consensus Policies relating to registry operations or registrars;
- 1.2.5 resolution of disputes regarding the registration of domain names (as opposed to the use of such domain names); or
- 1.2.6 restrictions on cross-ownership of registry operators and registrars or registrar resellers and regulations and restrictions with respect to registry operations and the use of registry and registrar data in the event that a registry operator and a registrar or registrar reseller are affiliated.
- 1.3. Such categories of issues referred to in Section 1.2 of this Specification shall include, without limitation:
 - 1.3.1 principles for allocation of registered names in the TLD (e.g., first-come/first-served, timely renewal, holding period after expiration);
 - 1.3.2 prohibitions on warehousing of or speculation in domain names by registries or registrars;
 - 1.3.3 reservation of registered names in the TLD that may not be registered initially or that may not be renewed due to reasons reasonably related to (i) avoidance of confusion among or misleading of users, (ii) intellectual property, or (iii) the technical management of the DNS or the Internet (e.g., establishment of reservations of names from registration); and
 - 1.3.4 maintenance of and access to accurate and up-to-date information concerning domain name registrations; and procedures to avoid disruptions of domain name registrations due to suspension or termination of operations by a registry operator or a registrar, including procedures for allocation of responsibility for serving registered domain names in a TLD affected by such a suspension or termination.

Core Value

Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment.

Depending on market mechanisms to promote and sustain a healthy competitive environment in the DNS market.

Commitments

Preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet.

Preserve and enhance the neutral and judgment free operation of the DNS, and the operational stability, reliability, security, global interoperability, resilience, and openness of the DNS and the Internet;

AoC - Consumer Trust

- No explicit reference even though it is in AoC Article 3.

Participation

- 5 SO/ACs (GNSO, ccNSO, ASO, ALAC, GAC) to be listed in Bylaws as “Decisional Participants”
- Powers requiring 3 supports and no more than 1 objection
 - Reject a Bylaw change
 - Removal of a NomCom Director
 - Initiate an IRP

Participation - 2

- Powers requiring 4 supports and no more than 1 objection
 - Reject plan/budget
 - Approve change to Articles of Incorporation or Fundamental Bylaw
 - Recall Entire Board
 - Reject Board decisions related to IANA
- *Modification of “4” to “3” if one AC/SO abstains??*

Escalation process to Approve Fundamental Bylaws/AoI

- It makes no sense!
- Unlike all of the other powers that are initiated by the community, this one is a reaction to an external request.
- Why can't it go directly to the Decision process, preceded by a Community Forum *IF* requested.
- Certainly should not need a petition process.

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