

Section	From	Comment	Note
Annex 1	Sidley- Adler	Red line for consistency edits	BT - Accepted
Annex 1	BSchaefer	<p>Page 8 in Annex 1 (continuation of paragraph reference #23 on page 7) states: Process for identifying GAC consensus advice and applying the GAC carve-out (Bernard – inserted after ADVICE, also included in first sub-bullet for clarity – completed):....</p> <ul style="list-style-type: none"> <li>o In the first sub-bullet, I suggested adding “, understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection” after consensus since that term for the purposes of the GAC carve-out is otherwise not defined in Annex 1. The suggested text is lifted verbatim from Annex 11.</li> </ul>	BT - completed
Annex 2	Sidley- Adler	Red line for consistency edits	BT - Accepted
Annex 2	BSchaefer	<p>Paragraph 52 on page 12 of Annex 2 states (Bernard – used MAY in both – completed):</p> <ul style="list-style-type: none"> <li>o The thresholds presented in this document were determined based on this assessment. If fewer than five of ICANN’s SOs and ACs agree to be Decisional Participants, these thresholds for consensus support may be adjusted. Thresholds would also have to be adjusted if ICANN changes to have more SOs or ACs.</li> <li>o My comment was to highlight an inconsistency in that the second sentence uses “may be adjusted” while the third sentence uses “have to be adjusted.” I don’t have a preference between the two, but I believe that they should both use the same terms since they are both discussing the same issue – the potential need to adjust the thresholds if the number of Decisional Participants is not five.</li> </ul>	BT – completed (used MAY in both)

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Annex 2	KArasteh	<p>Recommendation 2, Enforcement, in the leading paragraph exclude removal of the individual Director and recall of the entire Board ,then propose two alternatives then the remaining part again referred to the removal the individual Director and recall of the entire Board and in an ambigeous way proceed further without indicating that the escalation mentioned referred to option 1 or option 2There may be a need to fix it easily but I leave it to those drafted this part.</p>	BT – Have emailed commenter for clarification and suggested text. Awaiting response
Annex 2	BTonkin(Board)	<p>The Board has been following the work of the CCWG and appreciates the enormous effort over the past weeks, and especially in closing on the last few outstanding issues.</p> <p>Since the GAC Advice compromise has been reached this week, we are concerned over the lower threshold for Board removal reflected in Recommendation 2, paragraph 51, in the exceptional situation of GAC advice. As the Board has previously noted, the threshold of 4 SO/ACs is an important safeguard to ensure full support across the ICANN community in the event of an entire Board recall.</p> <p>To mitigate the Board's concerns with this new compromise, we suggest that this new lower threshold only applies when BOTH of the following occurs:</p> <ul style="list-style-type: none"> <li>- The Board decides to accept GAC advice, and hence the GAC cannot participate in a decision to remove the Board over this decision</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>- An IRP raised by the community has found that the Board acted inconsistently with its bylaws (which includes the mission).</li> </ul>	BT - Completed

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		This would mitigate our concern of going directly to a board removal process with a lower threshold.	
Annex 3	Sidley- Adler	Red line for consistency edits	BT - Accepted
Annex 4	Sidley- Adler	Red line for consistency edits	BT - Accepted
Annex 4	ASullivan	In Annex 4, in the discussion of removing directors, I recall some discussion in one call about liaisons to the board. We concluded that the recall powers did not extend to those liaisons. Those liaisons are treated by ICANN as non-voting board members, though, so presumably this section needs to mention that the recall powers don't extend to the liaisons. It's implicit in the text, but could be made explicit. I suggest a parenthetical sentence or footnote at the end of ¶40. Here's one suggestion: "Note that this power applies only to voting members of the ICANN Board, and not to liaisons."	BT – Completed (and reviewed by lawyers)
Annex 4	ASullivan	I should note that the diagrams and the headlines in this section are numbered differently. Step 3 is the community forum, but the diagram says Step 4; I think that's where the disconnect happens).	BT – Diagrams will be fixed
Annex 4	ASullivan	At ¶50 (which is either step 5 or step 6 ;-)) there's a bullet, "Naming a replacement". It'd be a good idea to call out here that the actual mechanism by which the replacement is named hasn't actually been established yet, and needs to be sorted out in WS2.	BT- Rejected (this is not in WS2 and is stated as an activity for the Nominating Committee – not implemented)
Annex 4	ASullivan	The same clarification about liaisons could be made clear in ¶60, probably in the parenthetical bit "(except the CEO)".	BT – Completed (and reviewed by lawyers)
Annex 4	ASullivan	In ¶77, "The right to reject ICANN Board decisions relating to reviews of IANA functions" should say "The right to reject ICANN Board decisions relating to reviews of IANA naming functions", in keeping with ¶75	BT - completed

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		and the section title. I think this is important in light of the IAB comment that draft 3 was not clear enough that the IANA functions IRP reviews were not adequately limited in scope.	
Annex 4	BSchaefer	Paragraph 4 on page 24 of Annex 4 state (Bernard – Completed with language from rec 2): <ul style="list-style-type: none"> <li>o NTIA will not accept a proposal that replaces the NTIA role with a government-led or an inter-governmental organization solution.</li> <li>§ Retaining decision-making based on consensus rather than voting.</li> <li>§ Maintaining the advisory role of governments in the SO and AC structure.</li> <li>o This is the same language that was updated in Annex 1 and Annex 2. I suggest that this language also be updated.</li> </ul>	BT – completed with language from Annex 2.
Annex 5	Sidley- Adler	Red line for consistency edits	BT - Accepted
Annex 5	Sidley- Adler	We note that there are several references to the Picket Fence side-by-side comparison being “attached for reference” but we have not seen the attachment. If this comparison is to be attached to the Final Proposal, please send it for our review and ignore our suggested deletions of these references.	BT – Completed (the document is now section 8)
Annex 5	Sidley- Adler	We also note that Section 4 (pp. 12-16) does not indicate changes between the Third Draft Proposal and the Final Proposal; the focus seems to be on changes between the Second Draft Proposal and the Third Draft Proposal (and 3 subpoints)	BT – Completed (BBurr has produced a new Section 4 per the requirements)
Annex 5	Sidley- Adler	Paragraphs 16, 44, 49 (the 2nd Commitment): Adler emailed Becky Burr yesterday to confirm that the correct phrasing is “the neutral and judgment free administration of the technical DNS” instead of “its neutral and judgment free administration of the DNS,” as Alan Greenberg proposed on Call #83. We have not	BT – Completed (use ITS and remove TECHNICAL)

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		yet seen a response	
Annex 5	Sidley- Adler	Paragraph 49: Staff should add paragraph numbers within the table.	BT - completed
Annex 5	ASullivan	¶11, the mission. Item 1 says, 'Coordinates the allocation and assignment of in the root zone of the Domain Name System ("DNS").' There appears to be a word missing, after "of". I think "labels", "names", or maybe "delegations" are ok. I very much prefer the first of these, and note that "delegations" is probably too narrow since it wouldn't cover things like glue records. Also, bullet 1 (starting with "For which uniform or coordinated") has italics at the end (not sure whether that's intentional) and finishes with a colon as opposed to a semicolon. This is all reproduced at ¶39. I must have missed this in previous iterations, and I apologise.	BT – Completed using NAMES.
Annex 6	Sidley- Adler	Red line for consistency edits	BT - Accepted
Annex 6	Sidley- Adler	Paragraph numbering should start at the beginning of Section 2.	BT - completed
Annex 6	BSchaefer	<ul style="list-style-type: none"> <li>• Annex 6 and Recommendation 6 -The human rights bullets on page 6 are inconsistent. Bullets 2, 4, and 5 all include a caveat of “if any” or “if at all” but the first bullet does not. I would like to see “if any” added to the first bullet to be consistent: <ul style="list-style-type: none"> <li>o “Consider which specific Human Rights conventions or other instruments, if any, should be used by ICANN in interpreting and implementing the Draft Human Rights Bylaw.”</li> </ul> </li> </ul>	BT – completed (Change made to para 3 of Annex 6 and in Recommendation 2 of the main report)
Annex 7	Sidley- Adler	Red line for consistency edits	BT - Accepted
Annex 8	Sidley- Adler	Red line for consistency edits	BT - Accepted
Annex 8	Izumi Okutani	Removal of Numbering from annex 8 no longer there	BT – this is still present in

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		as in third proposal. Should be re-instated	Annex 8 para 12 – no change
Annex 9	Sidley- Adler	Red line for consistency edits	BT - Accepted
Annex 10	Sidley- Adler	Red line for consistency edits	BT - Accepted
Annex 11	Sidley- Adler	Red line for consistency edits	BT - Accepted
Annex 12	Sidley- Adler	Red line for consistency edits	BT - Accepted
Annex 13	Sidley- Adler	Red line for consistency edits	BT - Accepted
Annex 13	BSchaefer		
Annex 14	Sidley- Adler	Red line for consistency edits	BT - Accepted
Annex 14	BSchaefer	<p>Paragraph 7 on page 3 of Annex 13 states (Bernard – this is for Annex 13 – completed):...</p> <ul style="list-style-type: none"> <li>• NTIA will not accept a proposal that replaces the NTIA role with a government-led or an inter-governmental organization solution</li> <li>• I suggest that the second and third sub-bullets need to be updated similar to the updates done for Annex 1 and Annex 2 on this topic.</li> </ul>	BT – completed with language of Annex 2.
Annex 15	Sidley- Adler	Red line for consistency edits	BT - Accepted
Annex 15	Sidley- Adler	Note that Paragraph 285 of Annex 15 includes an inactive link to the current IANA contract, and that link should be fixed.	GA/BT – Added in paragraph 27
Annex 15	SDeIBianco	concerns with Sidley on edits to ST 20, 27, 28 Jointly resolved with leaving 20 as originally written and modifying 27 and 28 to include: If a court were asked to enforce an IRP ruling, it would examine whether IRP procedures were properly followed and whether those procedures comply with fundamental	BT - Accepted

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		notions of due process, but the court would not interpret ICANN's mission. Proposed measures are therefore adequate."	
Appendix F	Sidley- Adler	Red line for consistency edits	BT - Accepted
Appendix G	Sidley- Adler	the link to the document "Overview of Community Powers" (24 April 2015) is incorrect	KM - Completed
Appendix J	Sidley- Adler	Red line for consistency edits	BT - Accepted
Glossary	Sidley- Adler	Note that these terms should be reorganized in alphabetical order.	KM - Completed
Main Report	Sidley- Adler	Consider adding paragraph numbers throughout the document.	BT – Rejected (paragraph numbers are incompatible with bullets and other numbering which is prevalent in the main report.)
Main Report	Sidley- Adler	Update Main Report with changes to Annexes	BT - Completed
Main Report	Sidley- Adler	Consider including the thresholds chart from Annex 2 in the main proposal (similar to the Third Draft Proposal, which included this chart in the main body of the proposal)	BT - Completed
General Comment on Graphics	Sidley- Adler	Listing of graphics to be updated	HJ – In progress
Appendix J Glossary	Sidley Austin LLP	Consensus - deleted a position where Empowered Community – deleted stator Standard Bylaws – deleted formatting Also arranged in alphabetical order	KNM Completed
Appendix F Legal Counsel	Sidley Austin LLP	Red line for consistency edits	KNM Completed
Appendix G Legal Documents	Sidley Austin LLP	The link to the document "Overview of Community Powers" (24 April 2015) is incorrect along with link on wiki	GA - Completed