



Amending ICANN's Bylaws

As a result of the IANA Stewardship Transition
Proposals

Theresa Swinehart | 9 May 2016

The U.S. Government's Announcement

14 March 2014: U.S. Government announces intent to transition its stewardship of the IANA functions to the global multistakeholder community

- ⦿ Asked ICANN to convene global stakeholders to develop a proposal
- ⦿ The multistakeholder community has set policies implemented by ICANN for more than 15 years



Why
now?

The U.S. Government's announcement:

- ⦿ Marks the final phase of the privatization of the DNS
- ⦿ Further supports and enhances the multistakeholder model of Internet policy making and governance

ICANN was asked to serve as a facilitator, based on its role as the IANA functions administrator and global coordinator for the Internet's Domain Name System (DNS)

Transition Requirements set by NTIA

NTIA has stated that the transition proposal must have broad community support and address the following four principles:



Support and enhance the multistakeholder model



Maintain the security, stability and resiliency of the Internet DNS



Meet the needs and expectations of the global customers and partners of the IANA services



Maintain the openness of the Internet

NTIA also specified that it will **not** accept a proposal that replaces the NTIA role with a government-led or intergovernmental organization solution.

Two Parallel Processes

The community developed and is following two parallel processes:

IANA Stewardship Transition

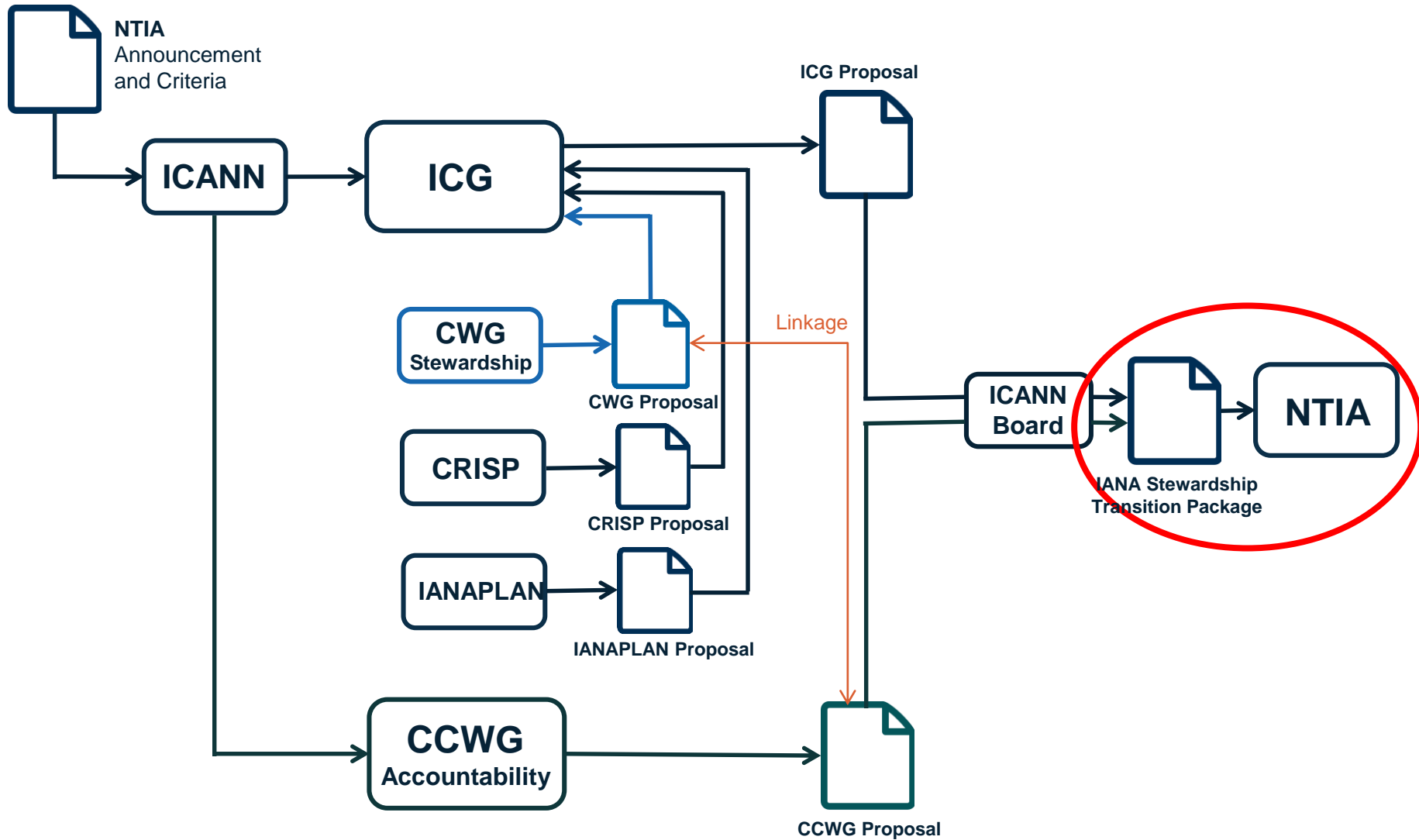
Focused on delivering a proposal to transition the stewardship of the IANA functions to the multistakeholder community

Enhancing ICANN Accountability

Focused on ensuring that ICANN remains accountable in the absence of its historical contractual relationship with the U.S.

To drive the processes, the community created **multilayered, transparent** and **diverse** working groups to foster discussion and within those groups, has developed working methods and systems for determining consensus

Developing Proposals



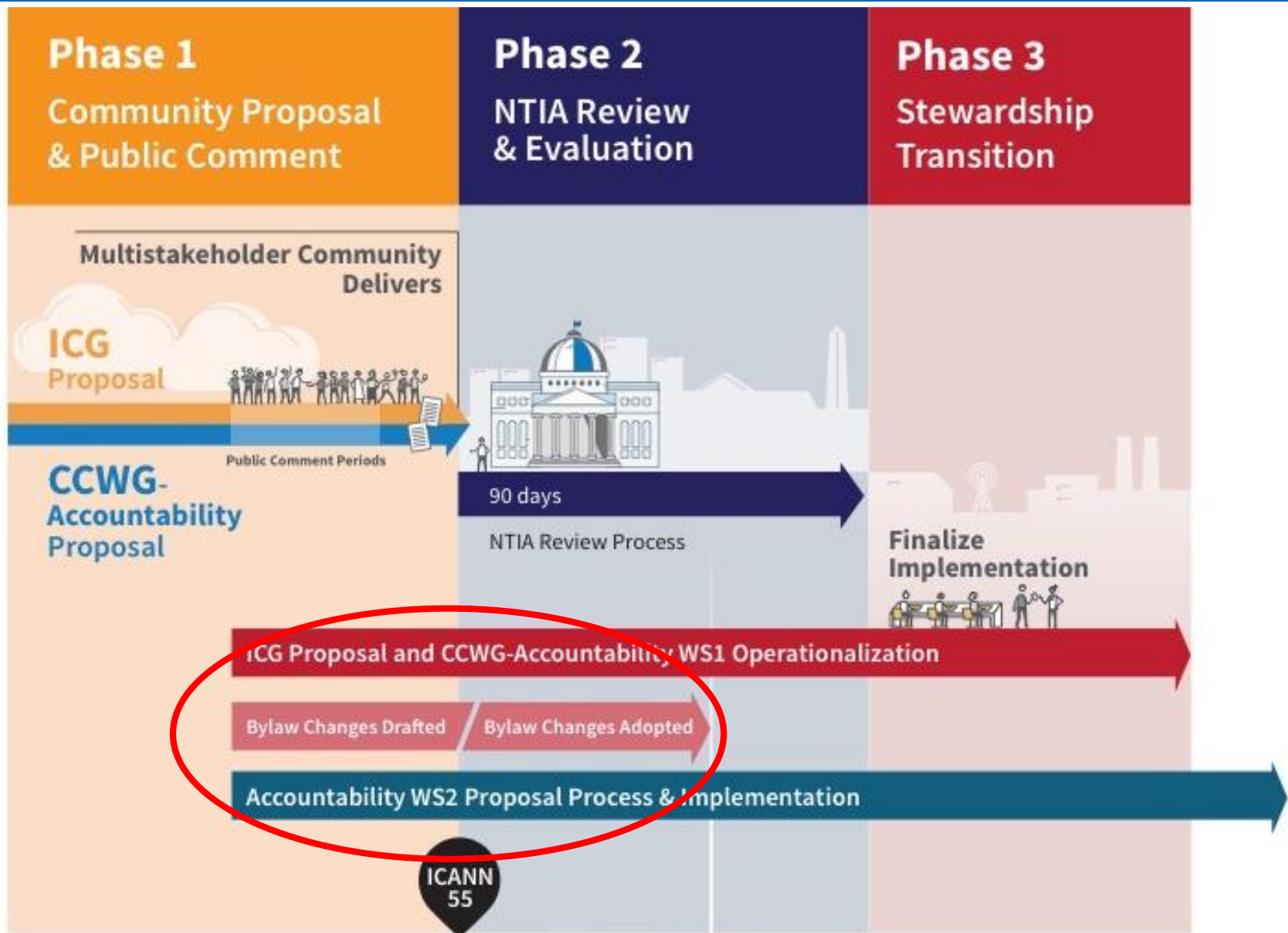
Delivery of IANA Stewardship Transition Package

At ICANN55 in Marrakech, the IANA Stewardship Transition and Enhancing ICANN Accountability proposals were submitted to the ICANN Board



- ⦿ After launching a short review period, the ICANN Board issued resolutions to transmit both proposals to NTIA at their Board Meeting at the end of the conference
- ⦿ **The package of proposals was transmitted to NTIA on 10 March 2016, almost exactly 2 years after the transition was announced**

3 Phases of the Transition



Amending ICANN's Bylaws



ICANN's Bylaws are being amended to reflect the recommendations in the ICG and CCWG-Accountability proposals.

The new Bylaws were drafted by:

Independent law firms hired to assist the CWG-Stewardship and CCWG-Accountability



ICANN's legal team

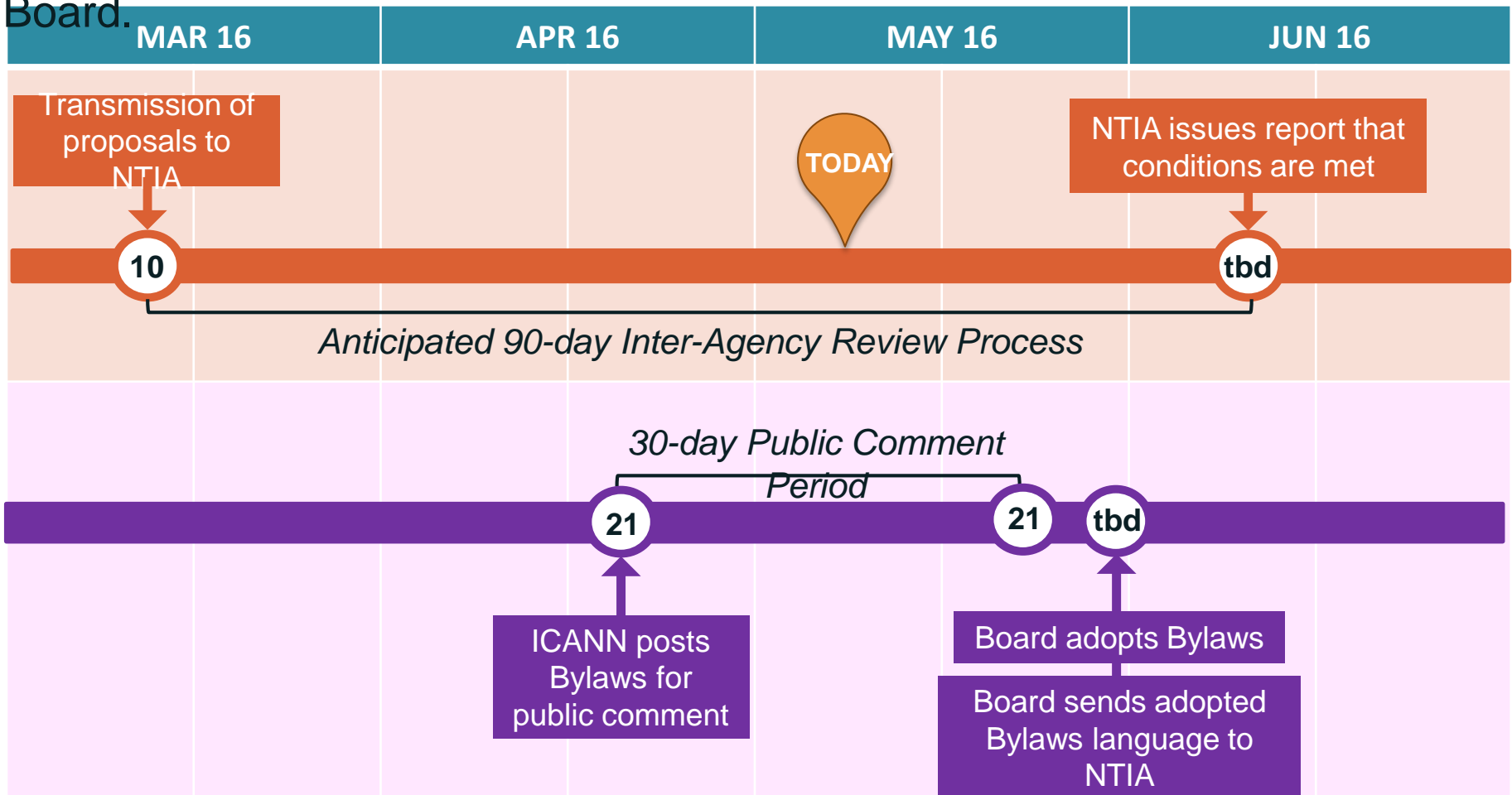
With clarifications and input from

Bylaws Coordination Group

Comprised of both community and ICANN Board members, as well as with the CWG-Stewardship and the CCWG-

Timeline for ICANN Bylaws Adoption

NTIA has stated that prior to their approval of the IANA Stewardship Transition proposals, any new Bylaws must be adopted by the ICANN Board.



Where Can I Find the New Draft Bylaws?



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Recommended documents to review:



New Draft Bylaws



Redline of Bylaws

A redline edit of current ICANN Bylaws to show differences between old and new draft Bylaws



Current ICANN Bylaws

What Kind of Feedback is Being Requested?

This comment period is designed to solicit inputs from the broader community on:

- ✓ How elements of the proposals were brought into the Bylaws
- ✓ If there are any areas seen as “inconsistent” with the IANA Stewardship Proposal package

This public comment period is not intended to be:

- ✗ A forum for the reconsideration of the transition-related proposals
- ✗ Clean-up edits that were not called for within the proposals

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Open Date

21 Apr 2016 23:59 UTC

Close Date

21 May 2016 23:59 UTC

Staff Report Due

27 May 2016 23:59 UTC



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Brief Overview

Purpose: This Public Comment period seeks community input on the Draft New ICANN Bylaws developed to reflect the recommendations contained in the proposals by the IANA Stewardship Transition Coordination Group (ICG) and Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability) as provided to the ICANN Board on 10 March 2016 and transmitted to NTIA. (See Resolutions [2016.03.10.12-15](#) and [2016.03.10.16-19](#))

Current Status: The new ICANN Bylaws have been drafted in collaboration by the ICANN legal team and the external counsels to the CCWG-Accountability and Cross Community Working Group Names (CWG-Stewardship), including review periods by all of the involved community groups and the ICANN Board. The legal teams support that the Draft New ICANN Bylaws are consistent with the community proposals relating to the IANA Stewardship Transition.





Questions?