

Questions to address:	ASO	ccNSO	GAC	GNSO	BC (GNSO)	NCUC (GNSO)
<p>1. What is your interpretation of the designated community defined in the Bylaws? For example, do you view your designated community more broadly or narrowly than the Bylaws definition?</p>			<p>The GAC views its designated community in accordance with:</p> <p>(a) The ICANN Bylaws, which provide that “Membership in the Governmental Advisory Committee shall be open to all national governments. Membership shall also be open to Distinct Economies as recognized in international fora, and multinational governmental organizations and treaty organizations, on the invitation of the Governmental Advisory Committee through its Chair.”</p>		<p>The Commercial and Business Users Constituency (BC) is described in ICANN Bylaws at Section 11.5 (a) (link):</p> <p>(iii) Commercial Stakeholder Group representing the full range of large and small commercial entities of the Internet ("Commercial Stakeholder Group"), which includes the Business Constituency ("Business Constituency"), Intellectual Property Constituency ("Intellectual Property Constituency") and the Internet Service Providers and Connectivity Providers Constituency ("Internet Service</p>	

			<p>(b) The GAC Operating Principles, which provide that:</p> <p>Principle 14</p> <p>Members of the GAC shall be national governments, multinational governmental organisations and treaty organisations, and public authorities, each of which may appoint one representative and one alternate representative to the GAC. The accredited representative of a Member may be accompanied by advisers. The accredited representative, alternate and advisers must hold a formal official position with the Member's public administration. The term 'official' includes a holder of an elected</p>		<p>Providers and Connectivity Providers Constituency")</p> <p>The BC interprets the definition of its Constituency as representing business registrants and users, and specifically those dealing with electronic commerce. In this respect, we view our role within the designated community as in agreement current Bylaws definition.</p> <p>The purpose of the Constituency is to represent the interests of business registrants and users, as described in §3.1 of the current BC Charter</p>	
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			<p>governmental office or a person who is employed by such government, public authority or multinational governmental or treaty organisation, and whose primary function with such government, public authority or organisation is to develop or influence governmental or public policies.</p> <p>Principle 15</p> <p>Membership is open to all national governments. Membership is also open to distinct economies as recognised in international fora. Multinational governmental organisations and treaty organisations, may also participate as Observers, on the</p>	<p>and in §1.2 of the new BC Charter. In the new BC Charter, the mission of the BC is stated as</p> <p>“...[ensuring] that ICANN is accountable and transparent in the performance of its functions and that its policy positions are consistent with the development of an Internet which:</p> <p>Is committed to a multi-stakeholder, bottom-up, consensus-driven model of engagement;</p> <p>Is technically stable, secure, and interoperable;</p> <p>Promotes user confidence in</p>	
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			invitation of the GAC through the Chair.		online communications and business interaction Offers choice in the supply of registry, registrar, and domain name-related services and such services are offered in a reasonable and pro-competitive manner for the benefit of the business community and users. This segment of Internet users is comprised of electronic commerce in a broad sense. Thus, the BC “represents customers of other companies, who provide domain	
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					<p>name, Internet Protocol address and related services who are typically members of the Contracted Parties House.”</p> <p>The New BC Charter was approved by the BC in Oct-2016 and submitted to ICANN to undergo the five-stage approval process.</p> <p>More information regarding the BC can be found at our website, http://www.bizcon.st.org/.</p>	
<p>2. What are the published policies and procedures by which your AC/SO is accountable to the designated community that you serve?</p>			<p><i>The GAC is accountable to its members, who are governments or distinct economies.</i></p>		<p>The published policies and procedures to which the BC are accountable to are the ICANN Bylaws</p>	

			<p><i>GAC Member Representatives are accountable to their respective Individual Governments. Individual Governments that are Members of the GAC are accountable through their political and legal structures at the national level as well as any international arrangements to which they may be party.</i></p> <p><i>The GAC currently has 170 Members[1] and 35 Observers[2]. One approximate guide to the potential number of GAC Members is the total number of United Nations Member States, currently 193[3]. However, it should be noted that there are 54 countries and territories that are not</i></p>		<p>and Expected Standards of Behaviors, GNSO bylaws and procedures, the CSG Charter, and the BC Charter.</p> <p>The Commercial and Business Users Constituency (BC) is a member of ICANN’s Generic Names Supporting Organization (GNSO), and is located within the Commercial Stakeholders Group (CSG) in the Non-Contracted Parties House (NCPH). As such, it is accountable to the procedures outlined by the groups’ respective governing documents. The CSG has its own charter, at</p>	
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			<p><i>currently members of the United Nations (several of these are GAC members). [4]</i></p> <p><i>The GAC Chair and Vice Chairs, GAC Member Representatives and ICANN staff, in particular those from the Government Engagement team, explain the work of the GAC on a bilateral basis and at relevant meetings and conferences. Non-Members who are eligible to join the GAC are encouraged to do so</i></p> <hr/>		<p>http://www.bizcon.st.org/assets/docs/ICANNCSGCharter2010.pdf</p> <p>For example, the GNSO Procedures, in Section 6.1.2 j state: "No legal or natural person should be a voting member of more than one Group," meaning, that organizations cannot vote in more than one Constituency within the GNSO.</p> <p>Further, under the BC's current Charter, the BC requires any organization/comp any/association that participates in more than one Constituency/SG to maintain a "divisional</p>	
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			<p>[1] https://gacweb.icann.org/display/gacweb/GAC+Representatives</p> <p>[2] https://gacweb.icann.org/display/gacweb/GAC+Observers</p> <p>[3] http://www.un.org/en/member-states/</p> <p>[4] https://www.quora.com/United-Nations-What-countries-are-not-part-of-the-UN</p>		<p>separation” between their work in the BC and other Constituencies. As such, they need to identify which other Constituencies they and their organization participate in, and identify in which specific Constituency the organization chooses to vote. Their representative to the BC must not represent their organization in another Constituency within the GNSO.</p> <p>Specific sections relevant to responding to this question are cited below:</p>	
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					<p><u>Appeals – BC Charter (new) §2.6</u></p> <p>In the new BC Charter, the Executive Committee (EC) is entrusted with responsibilities in §2.6:</p> <p>2.6.5 Resolve Disputes. The EC will hear and resolve Member disputes in a timely manner including conflicts of interest and any appeal from a decision of the Credentials Committee.</p> <p>2.6.8 Decisions. All members of the EC will participate faithfully in making</p>	
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					<p>decisions. A quorum of at least two-thirds (2/3) of the members of the EC is required for making decisions not otherwise delegated to an individual officer. Wherever possible, decisions will be made by consensus; however, if the EC cannot resolve a matter through consensus, the Chair shall conduct a vote in which a simple majority will prevail. All members of the EC, including the Chair, have a vote. In the case of a tie, the Chair's vote is decisive; however, at the Chair's option, the EC may</p>	
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					<p>conduct a vote of the Members.</p> <p><u>Accountability – BC Charter (new) §2.7</u></p> <p>The new BC Charter also outlines accountability procedures which hold the EC responsible for their work within the Constituency in §2.7.</p> <p>2.7 Executive Committee Accountability.</p> <p>If a Business Constituency Member files a complaint or the Chair is notified by ICANN Staff that an EC member or CR has failed to faithfully perform</p>	
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					<p>the duties of the office, including satisfying attendance and/or participation requirements, the EC shall conduct an investigation requesting supporting information with respect to the alleged deficiency.</p> <p>2.7.1 As an initial step, the EC will communicate in writing with such leader outlining the deficiency and providing an opportunity for the leader to respond to the particulars, including rationale and/or remedy, within fourteen (14) days.</p> <p>2.7.2 If the leader fails to respond or</p>	
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					<p>the response (a) does not commit to remedy the deficiency or (b) does not provide a rationale convincing to the EC, the EC will ask the leader to voluntarily resign from office within fourteen (14) days.</p> <p>□</p> <p>2.7.3 If the leader does not resign within the prescribed period, the EC, except the individual being investigated, will take a vote to recall such leader. If two-thirds (2/3) of the EC supports the recall:</p> <p>The EC shall formally notify the individual of</p>	
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					<p>removal from office; □</p> <p>A message may be copied to the Private List stating that the individual is being removed pursuant to this provision; and □</p> <p>The EC shall call an election to fill such vacancy. □</p> <p><i>RESOURCES:</i></p> <p><u><i>GNSO Bylaws are contained in the ICANN Bylaws.</i></u></p> <p><i>Please see Section X: GENERIC NAMES SUPPORTING ORGANIZATION:</i></p> <p><u><i>https://www.icann.org/resources/pages/governance/bylaws-en#X</i></u></p> <p><u><i>GNSO Operating procedures:</i></u></p> <p><u><i><a 890="" 891="" 913"="" 918="" data-label="Page-Footer" href="https://gns0.icann.org/en/council/op-</i></u></p> </td> <td></td> </tr> </table> </div> <div data-bbox="> <p>13</p> </i></u></p>
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					<p><i>procedures-01sep16-en.pdf</i></p> <p><u><i>CSG Charter:</i></u> http://www.bizcon.st.org/assets/docs/ICANNCSGCharter2010.pdf</p> <p><u><i>Current BC Charter (adopted in 2009):</i></u> http://www.bizcon.st.org/charter</p> <p><i>Note: the BC charter is currently undergoing the ICANN review process, and is expected to be presented to the community for public comment in 2017.</i></p> <p><i>BC Charter (proposed revisions, 2016), pending review by ICANN Staff. Section 2.6 outlines EC duties:</i></p>	
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					<p>http://www.bizcon.st.org/assets/docs/Charter/bc%20charter%20v3%200-fin al%20draft%20v5.pdf</p> <p><i>ICANN's Expected Standards of Behavior:</i>-https://www.icann.org/resources/pages/expected-standards-2012-05-15-en</p> <p><i>ICANN's core values 1.2(b) of the ICANN bylaws:</i> https://www.icann.org/resources/pages/governance/bylaws-en/#article1</p>	
2a. Your policies and efforts in outreach to individuals and organizations in your designated community who do not yet participate in your AC/SO.			<i>GAC face-to-face meetings regularly include capacity-building and outreach sessions to encourage the widest</i>		The BC's commitment to outreach is described in the current BC Charter	

			<p><i>range of participation by members.</i></p>	<p>at §12 and in the new Charter at Section 9:</p> <p>2009 CHARTER, §12:</p> <p>“Business users’ participation in ICANN is critical. The BC will, in tandem with other members of the CSG, make best efforts to broaden the participation of business users wherever possible according to available resources.”</p> <p>2016 CHARTER (undergoing review by ICANN Staff), §9.2:</p> <p>The new BC Charter in §9.2 presents the Chair</p>	
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					<p>and Vice-Chair for Finance and Operations as being “primarily responsible for allocating funds, proposing plans/programs, and encouraging Member participation in activities designed to achieve the Business Constituency’s outreach and recruitment goals.” Complete text of new BC Charter can be read here.</p> <p>Outreach Committee - Overview</p> <p>The BC’s Outreach Committee is comprised of a small group of BC members, who</p>	
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					<p>discuss outreach opportunities during ICANN Public meetings and other conferences and events.</p> <p><u>Outreach Strategy</u></p> <p>Annually, a BC Outreach Strategy is created and approved within the BC, outlining its implementation strategy for the upcoming year, and expected outcomes. BC Outreach strategy is administered by the BC Outreach Committee with the support of its Executive Committee and ICANN staff. In FY16, the BC's Outreach spending totaled 12,750.00</p>	
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					<p>€, which includes activities such as support of events and travel requests.</p> <p>The Outreach committee meets via teleconference before each ICANN Public meeting for planning purposes. The Outreach team also drafts an Outreach and Strategic Plan annually, which can be found on the ICANN Wiki space (https://community.icann.org/x/XQKbAw) and actively participates in the Community Regional Outreach Pilot Program (CROPP).</p> <p>Newsletters</p>	
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					<p>Newsletters are published by the BC in advance of every ICANN Public Meeting (http://www.bizcon.st.org/newsletter) . Articles are written by BC members and designed by the BC for outreach purposes at each ICANN Public Meeting, and various outreach events that the BC participates in (such as AfICTA Summits, trade events, and IGF forums).</p> <p><i>RESOURCES:</i> BC Charter (2009 - current): §12 – http://www.bizcon.st.org/charter</p>	
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					<p><u><i>BC Charter (2016 - undergoing review by ICANN Staff): §9</i></u></p> <p><u><i>BC Outreach and Strategic Plan for FY17:</i></u> https://community.icann.org/x/XQKbAw</p> <p><u><i>BC's CROPP travel forms for past and upcoming travel and outreach events in FY17 will be tracked here:</i></u> https://community.icann.org/x/zw2OAw</p> <p><u><i>BC Newsletters (published in tandem with every ICANN Public Meeting):</i></u> http://www.bizcon.st.org/newsletter</p>	
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<p>2b. Your policies and procedures to determine whether individuals or organizations are eligible to participate in your meetings, discussions, working groups, elections, and approval of policies and positions.</p>		<p><i>Procedures for becoming a Member of the GAC are available on the GAC website. [1] All Members may participate in GAC face-to-face meetings, discussion via the GAC e-mail list, inter-sessional teleconferences and GAC Working Groups, and are actively encouraged to do so.</i></p> <p><i>Materials on GAC membership, meetings, key topics, correspondence and meeting notes are published on the GAC website.</i></p> <hr/> <p>[1] https://gacweb.icann.org/display/gacweb/How+to+become+a+GAC+member</p>	<p>BC policies for determining whether individuals or organizations are eligible to participate in BC meetings, discussions, etc., are outlined in §3 of the current BC Charter (http://www.bizconet.org/charter). In the new Charter, eligibility is outlined in §5. Given the length of this section, the complete text of the new BC Charter appears here.</p> <p>Eligibility to Participate</p> <p>BC Membership Application Process</p>	
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					<p><u>& Credentials Committee</u></p> <p>In order to be eligible to participate within the BC, organizations and their representatives (primary representative and others), the organization must first become a member. Eligibility criteria is outlined in §3 within the current charter and §5 in the new charter.</p> <p>The process for becoming a member of the BC begins with submitting an application to the BC Secretariat (info-bc@icann.org) or via the website</p>	
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					<p>bizconst.org, which is then reviewed by the BC's Credentials Committee (CC) for consideration per the membership eligibility criteria. If an application is approved, the applicant (i.e., the organization/association/company) is notified within 14 business days and sent an invoice to be paid. Once the invoice is paid, the applicant is approved as a BC Member. The BC maintains a public list of all members, at http://www.bizconst.org/bc-membership-list.</p> <p>Appeals of membership eligibility decisions</p>	
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					<p>Appeal mechanisms for membership applications and membership credentials are outlined in Section 5.6.2 of the new BC Charter, which gives empowers the Credentials Committee to conduct a review upon request:</p> <p>“Any Member may request that a review be conducted of another Member, its Designated Representatives, or itself by submitting written documentation, including supporting rationale, to the Credentials</p>	
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					<p>Committee (CC). Requestors must be identified (i.e., not anonymous); however, the CC will maintain confidentiality of their identities until a disposition has been reached (see §5.6.2-c below). The CC will promptly notify the EC and the affected party or parties of the review's essential nature. Except in the case of a dismissal (§5.6.2-c-iv), in the interests of transparency, information concerning the review will be disclosed to the Business Constituency</p>	
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					<p>membership at its conclusion.”</p> <p>The specific steps are outlined in the Charter, including when the termination of a membership is deemed appropriate. If a BC member is not satisfied with EC decision, that member may pursue the complaint with ICANN’s Ombudsman.</p> <p>Meetings</p> <p>The BC’s teleconference meetings are held bi-weekly, and are open to all BC Members. The BC holds a meeting</p>	
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					<p>open to guests during each ICANN Public Meeting. The procedures outlining BC Meetings are in the new BC Charter, in §8.</p> <p><i>RESOURCES:</i></p> <p><i><u>BC Charter (2009 - current): §3. Membership – http://www.bizcon.st.org/charter</u></i></p> <p><i><u>BC Charter (2016 - undergoing review by ICANN Staff): §5. Membership</u></i></p> <p><i><u>Membership list: The BC maintains a public list of all members, http://www.bizcon.st.org/bc-membership-list</u></i></p>	
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<p>2c. Transparency mechanisms for your AC/SO deliberations, decisions and elections</p>			<p><i>Correspondence between the GAC and the ICANN Board is published on the ICANN and GAC websites.</i></p> <p><i>All GAC face-to-face meeting sessions are open (recognising community feedback on this point) and anyone interested can follow them in real time as well as through recordings and transcripts. The GAC Communiqué and minutes of the meeting are published in the six UN languages.</i></p> <p><i>The GAC Chair and Vice Chairs meet regularly and the outcomes of these meetings are minuted and circulated promptly to all GAC members.</i></p>	<p>Transparency mechanisms for the BC are outlined in the new BC Charter in §6, which covers the process for objecting to and voting on policy positions and decisions, such as an election.</p> <p>For example, “except for elections (§6.2) and written policy development positions (§6.3), voting shall be relied upon only to the extent that is necessary in cases where general agreement cannot be reached” (§6.2).</p> <p>Specifically, “before any vote is taken, there must be a quorum of at</p>	
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			<p><i>The schedule for GAC face-to-face meetings is subject to extensive consultation with GAC members, including teleconferences arranged for different time zones.</i></p> <p><i>Real-time interpretation in the six official UN languages is provided (by ICANN) for GAC face-to-face meetings and inter-sessional teleconferences.</i></p> <p><i>Travel support is provided (by ICANN) to assist GAC members to attend face-to-face meetings according to published criteria.</i></p> <p><i>Decision-making on advice to the Board is usually made at a Communiqué-drafting</i></p>		<p>list fifty percent of Members registered as participants of the relevant entity” (§6.1.2.a). Electronic voting is permitted where the presiding leader indicates this as the manner of voting to be used.</p> <p>RESOURCES:</p> <p><u><i>Minutes for BC Members’ calls:</i></u> <i>Minutes of BC teleconference meetings and ICANN Public open meetings are drafted by the Secretariat, approved by Excomm and circulated to BC Members</i></p>	
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		<p><i>session at face-to-face meetings. In accordance with the GAC Operating Principles, the GAC works on the basis of seeking consensus of its membership in preparing such advice. By definition this provides all Members with an equal say in reaching agreement.</i></p> <p><i>The GAC Operating Principles (Article IX) provide for regular elections of the GAC Chair and Vice Chairs. If there are more candidates than there are positions available, elections are conducted by the independent GAC Secretariat using a secret ballot.</i></p> <p><i>The GAC participates by appointing members to ATRT and other review teams.</i></p>	<p><i><u>Minutes for BC Excomm calls:</u> minutes are drafted by the Secretariat and sent to Excomm</i></p> <p><i><u>Election timeline (BC Charter 2009 - current), §5.</u></i></p> <p><i><u>Elections:</u></i></p> <p><i>Outlined in the charter:</i></p> <p><i>Nomination period – 2 weeks</i></p> <p><i>Candidate Statements/deliberation – 1 week</i></p> <p><i>Candidate call (time permitting)</i></p> <p><i>Voting period opens, for all paid, voting BC member representatives – 1 week</i></p> <p><i>○ Additionally, procedural timeline for an election</i></p>	
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			<p><i>All GAC-related recommendations in both the ATRT1 and 2 Final reports have been implemented by the GAC. The GAC also reviews its internal processes and Operating Principles when developments so require.</i></p> <p><i>A High Level Governmental Meeting is held every second year, as part of a scheduled ICANN meeting, to enable Ministers and senior officials to be fully informed of the work of ICANN in general and the GAC in particular, and to provide further support to the GAC as appropriate.</i></p>		<p><i>cycle is circulated to members on the BC Private list, in advance of the election cycle</i></p> <p><i><u>Election timeline (BC Charter – 2016 undergoing review by ICANN Staff): outlined in §6.2 Decision-Making Elections, and Policy Positions</u></i></p> <p><i><u>Calls posted to the BC's website/wikispace: http://www.bizcon.st.org/telephone-conferences and https://community.icann.org/x/OYHbAQ</u></i></p>	
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<p>2d. Were these policies and procedures updated over the past decade? If so, could you clarify if they were updated to respond to specific community requests/concerns?</p>				<p>The current Charter displayed on the BC website was revised in 2009. In 2014, the BC established a Charter revision committee to explore another charter update. A new Charter was approved by BC Members in Oct-2016 and submitted to ICANN to undergo the five-stage approval process. The new charter appears in the Appendix and at http://www.bizcon.st.org/assets/docs/Charter/bc%20charter%20v3%200-fin al%20draft%20v5.pdf</p> <p>The BC updates its Charter based</p>	
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					<p>upon cumulative requests from BC members.</p> <p>Requests typically note a need for clarifications, for specific amendments, or the need to update the Charter to account for changing circumstances.</p>	
<p>3. Mechanisms for challenging or appealing elections. Does your AC/SO have mechanisms by which your members can challenge or appeal decisions and elections? Please include link where they can be consulted.</p>			<p><i>No. With regard to decisions, as noted above, advice from the GAC to the Board is generally reached by consensus. If there is no consensus, the Operating Principles (Article XII) require the GAC Chair to convey the full range of views expressed by members to the Board.</i></p>		<p>The elected BC Executive Committee is the first step for appeals regarding any complaints about an election or decision process. The new BC Charter describes how the Executive Committee (EC)</p>	

					<p>decides on complaints received from members:</p> <p>2.6.5 Resolve Disputes. The EC will hear and resolve Member disputes in a timely manner, including conflicts of interest and any appeal from a decision of the Credentials Committee. □</p> <p>2.6.8 Decisions. All members of the EC will participate faithfully in making decisions. A quorum of at least two-thirds (2/3) of the members of the EC is required for making decisions not otherwise delegated to an</p>	
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					<p>individual officer. Wherever possible, decisions will be made by consensus; however, if the EC cannot resolve a matter through consensus, the Chair shall conduct a vote in which a simple majority will prevail. All members of the EC, including the Chair, have a vote. In the case of a tie, the Chair's vote is decisive; however, at the Chair's option, the EC may conduct a vote of the Members.</p> <p>If a BC member is not satisfied with an EC decision, that member may pursue the complaint with</p>	
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					<p>ICANN's Ombudsman.</p> <p><i>RESOURCES:</i></p> <p><u><i>BC Charter (2009 – current), §8.2.3. Special rules for elections:</i></u></p> <p><i>“During elections there is a need for special rules in line with §5 of the Charter to ensure the integrity of the process and fairness to all candidates. This means inter alia that the returning officer for the election will unless otherwise agreed instruct the list administrator as follows:</i></p> <p><i>to open a nomination period but only publish</i></p>	
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					<p><i>nominations to the list at the close of that period;</i></p> <ul style="list-style-type: none"> - <i>to open a discussion period (where the external timetable allows) but to monitor air time to ensure fairness to all candidates, and if necessary delete or suspend postings;</i> - <i>to open a voting period and suspend all election and candidate related list mail during that period."</i> 	
<p>4. Any unwritten policies related to accountability. Does your AC/SO maintain unwritten policies that are relevant to this exercise? If so, please describe as specifically as you are able.</p>			<p><i>The GAC has funded, through several of its Members, an independent secretariat function, currently carried out under contract by the</i></p>		<p>The BC endeavors to put its policies in writing, as part of its charter. While there are unwritten prior practices cited for</p>	

			<p><i>Australian Continuous Improvement Group (ACIG). The ability to have policy and procedural analysis and advice independent of ICANN corporate support has enhanced the GAC's ability to communicate effectively with Members and the broader community on substantive issues, and to implement many of the recommendations from the ATRT1 and ATRT2 Reviews.</i></p>		<p>some activities, we are not aware of any that are responsive to these questions.</p> <p>Other resources:</p> <p>ICANN WIKI: https://icannwiki.com/CBUC</p> <p>ICANN GNSO BC Page: https://gns0.icann.org/en/about/stakeholders-constituencies/csg/cbuc</p> <p>ICANN GNSO CSG Page: https://gns0.icann.org/en/about/stakeholders-constituencies/csg</p>	
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