

Motions 15 December 2011

Motion 1.

MOTION RE: Outreach and Participation Initiatives

Made by: John Berard **Seconded by:** _____

Whereas, GNSO Constituencies/SGs, ALAC, the Board Public Participation Committee, and ICANN senior staff are engaged in or considering approaches for outreach and participation and which should be taken into account in development of Outreach and Participation initiatives that are funded by ICANN and in support of the GNSO Constituencies/SGs and ALAC and other ICANN entities, including the GAC.

Whereas, significant changes within ICANN have taken place since the original creation of the proposal that the GNSO create a Global Outreach Program, including new ICANN staff proposals that are driven by the AoC, various activities by ALAC, activities and outreach proposals developed by Constituencies/SGs of the GNSO, and the GAC

Whereas, ICANN has a Fellowship program underway which is part of an overall ICANN supported initiative of outreach and participation,

Whereas, participation and outreach for involvement in ICANN extends beyond the GNSO, requiring the leadership and involvement of all SOs/SGS and ACs,

Whereas, it is important that decisions by the GNSO Council, and the GNSO constituencies/SGs be fact-based,

Be it resolved,

The council thanks the chair and members of the OTF for their work, and notes with appreciation the staff support to the development of the DRAFT charter for a proposed Outreach Task Force

The Council notes that the support by ICANN staff will be useful background materials to inform the outreach and participation initiatives of the GNSO, ALAC, and other groups at ICANN,

ICANN staff are therefore asked to gather, compile, summarize and present information about ICANN's existing materials and activities, including inviting input from the groups in the SOs/SGs/ACs regarding present or proposed activities in support of Outreach and Participation, including proposals for ICANN budget/operating plan support.

The GNSO Council hereby resolves to postpone any further discussion and consideration of the role and involvement of the GNSO Council in Outreach and Participation until receipt of the ICANN staff report on such activities by the GNSO's Constituencies/SGs; ALAC, CCNSO, GAC, and members of the Board Public Participation Committee.

Motion 2

Competiting Proposed Motion on the UDRP PDP - Deferred from 17 November 2011

Made by: Jeff Neuman

Seconded by: Wolf-Ulrich Knoben

With proposed amendment by David Taylor at the 17 November 2011 meeting

Whereas the Registration Abuse Policies Working Group submitted a final report the GNSO Council on 29 May 2010 (see <http://gnsso.icann.org/issues/rap/rap-wg-final-report-29may10-en.pdf>), recommending an issue report on the current state of the UDRP considering both

- (a) How the UDRP has addressed the problem of cybersquatting to date, and any insufficiencies/inequalities associated with the process, and
- (b) Whether the definition of cybersquatting inherent within the existing UDRP language needs to be reviewed or updated, and

Whereas, on February 3, 2011, the GNSO Council requested an Issues Report in accordance with the recommendations of the Registration Abuse Policies Working Group (<http://gnsso.icann.org/issues/rap/rap-wg-final-report-29may10-en.pdf>) and

Whereas, a Preliminary Issue Report was published on 27 May 2011 (<http://gnsso.icann.org/issues/prelim-report-current-state-udrp-27may11-en.pdf>) and series of webinars and workshops were held soliciting public comment to allow for the ICANN community to provide feedback on the analysis and recommendations contained therein, and

Whereas, a Final Issue Report was published on 3 October 2011 (<http://gnsso.icann.org/issues/udrp/udrp-final-issue-report-03oct11-en.pdf>) in which ICANN staff recommended the GNSO Council consider the "perspective of the majority of the ICANN community, and the advice of the Government Advisory Committee (GAC), and the At-Large Advisory Committee" and that "a PDP be delayed until after the New gTLD Uniform Rapid Suspension System (URS) has been in operation for at least eighteen months. . . to allow the policy process to be informed by data regarding the effectiveness of the URS, which was modeled on the UDRP, to address the problem of cybersquatting."

RESOLVED, that the GNSO approved the initiation of a PDP and the establishment of a Working Group on recommendation #7 of the IRTF Part B Working Group concerning the requirement to lock a domain name subject to UDRP proceedings, which the GNSO Council at its meeting on 22 June 2011 received and agreed to consider when it takes up consideration of the Final Issue Report on the Current State of the UDRP.

RESOLVED further, the GNSO Council requests a new Issue Report on the current state of all rights protection mechanisms implemented for both existing and new gTLDs, including but not limited to, the UDRP and URS, should be delivered to the GNSO Council by no later than eighteen (18) months following the delegation and launch of the first new gTLD.

Proposed amendment (by David Taylor): RESOLVED further, the GNSO Council requests a new Issue Report on the current state of all rights protection mechanisms implemented for both existing and new gTLDs, including but not limited to, the UDRP and URS, should be prepared with staff commencing the drafting of this report eighteen (18) months after the publication of at least a 100 UDRP or URS that cover at least 10 new gTLDs. Such report should be delivered to the GNSO Council within four (4) months of that trigger date.

Motion 3.

Motion for JIG response to August 2011 Board Resolution on Single Character IDN TLDs

Made by: Ching Chiao

Seconded by: Rafik Dammak

WHEREAS, the JIG (Joint ccNSO/GNSO IDN Working Group) was formed by mutual charters between the ccNSO and GNSO councils, and extended (ccNSO: <http://ccnso.icann.org/workinggroups/minutes-council-23aug11-en.pdf> | GNSO: <http://gnsso.icann.org/resolutions/#201107>) to complete its work on the 3 identified issues of common interest between the ccNSO and GNSO;

WHEREAS, the subject of Single Character IDN TLDs was discussed at the GNSO IDN WG, the GNSO Reserved Names WG and incorporated into the GNSO New gTLD Recommendations, and consistently resulted in community consensus to allow the implementation of Single Character IDN TLDs;

WHEREAS, the JIG developed and published an Initial Report on Single Character IDN TLDs (<http://ccnso.icann.org/workinggroups/jig-initial-report-26jul10-en.pdf>) for public comments (<http://www.icann.org/en/announcements/announcement-2-27jul10-en.htm>) and incorporated the comments (<http://forum.icann.org/lists/jig-initial-report/pdfaul7JXcqaa.pdf>) into a draft Final Report (<http://www.icann.org/en/announcements/announcement-04dec10-en.htm>) for further public comments,

WHEREAS, the JIG conducted a public session during the Cartagena ICANN meetings (<http://cartagena39.icann.org/node/15395>);

WHEREAS, the JIG incorporated comments received (<http://forum.icann.org/lists/jig-draft-final-report/pdfQx383O30Q.pdf>) and completed a Final Report (<http://ccnso.icann.org/workinggroups/jig-final-report-single-character-idns-30mar11-en.pdf>) which was approved by the ccNSO (<http://ccnso.icann.org/workinggroups/minutes-council-10may11-en.pdf>) and GNSO (<http://gnsso.icann.org/resolutions/#201107>) councils;

WHEREAS, the ICANN Board made a resolution at their August 25, 2011 meeting regarding the subject: <http://www.icann.org/en/minutes/resolutions-25aug11-en.htm#5>; and,

WHEREAS, the JIG considered the resolution and found it to be in contradiction with the community consensus on the matter,

NOW THEREFORE RESOLVED that, upon the mutual resolution from both the GNSO and ccNSO councils on the subject, the Council Chairs would send to the ICANN Board the following letter in response to their August 2011 resolution on Single Character IDN TLDs:

JIG (Joint ccNSO/GNSO IDN Working Group) Response to ICANN Board Resolution on Single Character IDN TLDs

Dear ICANN Board,

First of all, we appreciate activity at the ICANN Board regarding Single Character IDN TLDs. In response to the August 2011 resolution (<http://www.icann.org/en/minutes/resolutions-25aug11-en.htm#5>) however, we express our disappointment and concern on 3 critical aspects:

1. Both the ccNSO and the GNSO councils have at multiple occasions expressed a consensus principle that the introduction of IDN gTLDs or IDN ccTLDs should not be delayed because of lack of readiness of one category. The August 2011 Board resolution (by specifying that "processes for delegation of single-character IDN TLDs will be made available after the first gTLD application round and conclusion of IDN ccTLD policy work.") perhaps inadvertently conflicted with this community consensus understanding and should be rectified or clarified.
2. The issue of Single Character IDN TLDs have gone through at least 4 rounds of community discussions, including at the GNSO IDN WG (<http://gnsso.icann.org/drafts/idn-wg-fr-22mar07.htm>), the GNSO Reserved Names WG (<http://gnsso.icann.org/issues/new-gtlds/final-report-rn-wg-23may07.htm>), incorporated into the GNSO New gTLD recommendations (<http://gnsso.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>), and of course the JIG report (<http://ccnso.icann.org/workinggroups/jig-final-report-single-character-idns-30mar11-en.pdf>). Each time there is consistent consensus support from the community for allowing Single Character IDN TLDs in the new gTLD process (including the first round), and no objections were received from any of the ACs. The August 2011 Board resolution specifying that Single Character IDN TLDs not be included in the first round ignores this repeated community consensus without reasonable rationale.
3. While the August 2011 Board resolution generally requested input from a collection of ACs, there is a lack of progressive direction towards the implementation of Single Character IDN TLDs. Furthermore, while input from ACs is always welcome, given the multitude of public comment periods already conducted for the subject, including participation from SSAC members, with consistent consensus response, such consultation with ACs should not become an arbitrary hurdle for the implementation of Single Character IDN TLDs, especially for the New gTLD process.

Single Character IDN TLDs is not simply a "good to have" feature, but a necessary requirement for some of the IDN communities in order to allow broadly attractive and competitive gTLDs. As an example, for Chinese IDN TLDs, the prohibition of Single Character IDN TLDs would effectively devoid the community of single-syllable-single-word TLDs, which is otherwise acceptable for English and other alphabetic based language TLDs (e.g. ".word" would be an acceptable ASCII single-syllable-single-word TLD, yet a similar single-syllable-single-word TLD "." would not be acceptable for Chinese), creating an unjustified situation of inequity, and significantly hindering the adoption of IDN.

The JIG, through the ccNSO and GNSO councils therefore sincerely urges the Board to:

1. Implement the community consensus of allowing Single Character IDN TLDs without restricting such implementation to being after the first round of the new gTLD process, and to decouple the requirement that IDN ccTLD or IDN gTLD mechanisms wait for the other;
2. If necessary, form an implementation team to assist staff in immediately implementing Single Character IDN TLDs for scripts and languages where the input of a Single Character requires multiple keystrokes (e.g. ideographical scripts, and avoiding the potential technical concern of

keyboard layouts identified in the JIG report), and for the team to further guide implementation for other scripts as well as coordinate input from the ACs; and,

3. Update or amend the New gTLD Applicant Guidebook for such implementation before the application period for the first round is over.

The JIG and the significantly affected language communities are prepared to support ICANN staff and Board in the swift implementation of Single Character IDN TLDs without compromising the security and stability of the Internet. The JIG further believes that minor adjustments to the Applicant Guidebook would suffice and is ready to work with staff closely to complete its implementation.

We look forward to the positive response and actions from the Board.

Sincerely,

ccNSO Council (approval: [\[LINK\]](#))

GNSO Council (approval: [\[LINK\]](#))

JIG -- Joint ccNSO/GNSO IDN Working Group